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Thirteenth Annual Report on the Work of the Georgia Courts

Thirteenth Annual Report on the Work of the Georgia Courts

(July 1, 1985-June 30, 1986)

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February 1987

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Administrative Office of the Courts
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Atlanta, Georgia 30334

The *Thirteenth Annual Report on the Work of the Georgia Courts* is published by the Judicial Council of Georgia/Administrative Office of the Courts in compliance with Ga. Laws 1973, p. 288, and by Order of the Supreme Court of Georgia dated June 12, 1978.

J-0Z87-A-01

Foreword

This *Thirteenth Annual Report on the Work of the Georgia Courts*, prepared by the Administrative Office of the Courts, is issued pursuant to the requirement of Ga. Laws 1973, p. 288 and Order of the Supreme Court of Georgia dated June 12, 1978.

While plans for progress are continually underway, the judiciary has advanced considerably on numerous projects in the past year. Credit is not only due our judges, but court personnel, attorneys and concerned citizens in working to improve the court system.

One accomplishment this year which projects future needs of the judiciary into the twenty-first century are the recommendations of the Governor's Judicial Process Review Commission. *Justice 2000*, the commission's report on short-and long-term proposals for improvements in the judicial system, discusses the 60 recommendations and these are listed in an appendix beginning on page 42 so that our readers may study them.

Many FY '86 activities were aimed at tackling the problems associated with child abuse. Members of a Judicial Council subcommittee, drawn from counties with existing apparatus for dealing with reported cases of child abuse, drafted a guide for establishing local child abuse protocols. In light of the subcommittee's expressed goal to protect the child from reoccurrence of the abuse, we need to follow up its guidelines with legislation adopting the protocols as statutory, uniform procedures and regulations to tighten procedures in reporting child abuse cases in order to insure proper agency coordination in investigations, and by specifying the best possible procedures in interviewing abused children.

The trial courts' uniform rules became effective at the beginning of the 1986 fiscal year, and I am confident that we have all profited from them. The Supreme Court and the superior courts clarified that these rules are not meant to conflict with the state constitution nor with substantive law, but they do provide for some flexibility in dealing with local problems as they may arise. By the end of the first year, there had been no changes in the superior or state court rules, and the probate court rules had been amended only to conform with legislative prescriptions involving the form of petitions and orders.

In response to the challenges presented by rapid advances in technology during the last decade, Georgia courts have initiated steps toward developing a comprehensive plan for harnessing computer capabilities. While individual trial courts have made great strides in using computers to perform routine court functions (some of which are mentioned in this report), we have only begun a combined effort to identify data required both for court operations and for generating reports required by law. A committee of judges, clerks and court administrators has been appointed to plan for and advise the judicial branch on matters related to electronic data processing during the next year.

This annual report is presented to inform the Governor, General Assembly and the public of judicial branch activities carried out in response to the varied duties and responsibilities with which the courts, their officials and administrative agencies are charged. Readers are invited to review the following pages to observe ongoing improvement in the administration of justice in Georgia.

Thomas O. Marshall
Chairman
Judicial Council of Georgia

Judicial Council of Georgia

December 1986

Chief Justice Thomas O. Marshall
Chairman
Supreme Court
Atlanta

Presiding Justice Harold G. Clarke
Vice chairman
Supreme Court
Atlanta

Judge Nancy K. Aspinwall
First vice president
Council of Probate Court Judges
Hinesville

Chief Judge Harold R. Banke
Court of Appeals
Atlanta

Judge A. W. Birdsong, Jr.
Court of Appeals
Atlanta

Judge Perry Brannen, Jr.
Administrative Judge
First District
Savannah

Judge Ralph E. Carlisle
President-elect
Council of State Court Judges
Decatur

Judge A. Wallace Cato
Administrative Judge
Second District
Bainbridge

Judge William M. Fleming, Jr.
Administrative Judge
Tenth District
Augusta

Judge Joel J. Fryer
Administrative Judge
Fifth District
Atlanta

Judge Arthur W. Fudger
Administrative Judge
Seventh District
Buchanan

Judge J. Mike Greene
President
Council of Probate Court Judges
Gray

Judge George W. Harris
President
Council of Magistrate Court Judges
Fort Valley

Judge Walker P. Johnson, Jr.
Administrative Judge
Third District
Macon

Judge Hugh Lawson
Administrative Judge
Eighth District
Hawkinsville

Judge Frank C. Mills, III
Administrative Judge
Ninth District
Canton

Judge Clinton O. Pearson
President-elect
Council of Juvenile Court Judges
Brunswick

Judge Alan F. Pilcher
First vice president
Council of Magistrate Court Judges
Gainesville

Judge R. Edward Reddick, Jr.
President
Council of State Court Judges
Springfield

Judge Marvin W. Sorrells
President
Council of Juvenile Court Judges
Monroe

Judge Robert B. Struble
President
Council of Superior Court Judges
Toccoa

Judge A. Blenn Taylor, Jr.
President-elect
Council of Superior Court Judges
Brunswick

Judge Curtis V. Tillman
Administrative Judge
Fourth District
Decatur

Judge Andrew J. Whalen, Jr.
Administrative Judge
Sixth District
Griffin

The Courts in Review: FY 1986

Reform minded leaders serving all governmental branches concluded separate studies during FY 1986, resulting in an awareness of current court operations and court support effectiveness among those officials with potential influence on the system.

The Governor's Judicial Process Review Commission (JPRC) issued its final report, entitled *Justice 2000*, on recommendations for improvements in the state's two appellate and five trial courts as well as for related agencies. In total, the proposed short- and long-term changes numbered 60 and they pertained to judicial selection, tenure, qualifications, compensation and retirement; court organization and structure; court administration; court procedures; criminal justice; court-community relations and funding and other matters (see Appendix 3).

The report also reviewed suggested implementation methodology for the changes, chronicled the proposals of the commission's ad hoc committee on criminal discovery, presented a draft amendment to a statute concerning relief from judgments and listed recommendations of the National Conference on the Judiciary concerning victim's rights. The total state cost of effecting the changes espoused by the JPRC is estimated to be $25 million. Established in 1984 by joint legislative resolution, the commission dissolved upon the release of its report in November 1986.

Another combined effort of the legislature was the Joint Study Committee on Superior Court Judgeships, which informally completed its charge to examine judicial administrative procedures. In seeking methods to achieve an equitable distribution of workload among superior court judges other than by creating additional judgeships, committee staff interviewed judges and court officials. Contrary to the committee's initial aim to suggest changes that would expedite the litigation process and promote efficiency of court operations, the panel found that the judiciary and other court personnel were fulfilling their responsibilities as established by law. By the conclusion of the study, the committee had become aware of further alternatives to pursue in accomplishing judicial reform from within the system and declined to issue formal recommendations.

As part of a statewide reemphasis on helping juvenile offenders, a local study panel completed a year-long examination of youths who came into contact with the court system. After reviewing statistics regarding these youths, their offenses and the consequences of their behavior, the Fulton County/Atlanta Commission on Juvenile Justice determined that the current juvenile court system was not addressing the real problems of the typical young offenders. Among its suggestions for improvement were the establishment of standards for equal treatment of juveniles and institution of sentencing and rehabilitation options to incarceration.

Additional proposals included (1) creation of a diversion program to meet the education, supervision and mental health needs of first-time youthful offenders, (2) counseling programs which involve the offender's family, (3) location of permanent homes for children who have been removed from their families, (4) coordination of remedial education programs with local school systems and (5) establishment of risk factors to judge whether pretrial detention is required to protect the public from an offender. The commission also called for the adoption of legislation to develop community-based alternatives to incarceration such as tutoring, supervision and restitution for nonviolent juvenile offenders and to provide temporary shelters for children placed in detention prior to hearings due to lack of adult supervision.

Funds appropriated to the judicial branch increased 7.6% to $39.1 million in FY 1987, raising the judiciary's share of total state appropriations from .70% to .74%. As part of its general appropriation to the judicial branch, the General Assembly for the first time funded the state, probate and magistrate court judges' councils for the full amounts of their requests (see page 3, top). These

agencies joined the superior and juvenile court judges' groups as state-funded trial court councils.

Supplemental appropriations for the judiciary in FY 1986 increased total FY '86 funds 2.3%, most of which ($800,000) was to fund an anticipated shortfall in superior court operations. The legislature granted additional FY 1986 monies to the Judicial Council ($8,000) and the Council of Juvenile Court Judges ($8,437).

In 1986, the legislature approved additional superior court judgeships for four of five requesting judicial circuits. The General Assembly acted on recommendation of the Judicial Council, which endorsed added judgeships for the Piedmont, Augusta, Northeastern, Stone Mountain and Lookout Mountain circuits, in that order of priority. All 1986 judgeship measures except that for the Lookout Mountain Judicial Circuit were enacted by the legislature and confirmed by the Governor. The four new judgeships became effective July 1, 1986.

The legislature also dealt with public concern about child abuse and neglect by passing regulatory measures directed at child-care facilities and state agencies and seeking changes in the courts to distinguish abuse as patently offensive. One 1986 statute allows the admissibility into evidence of statements made by children under 14 years of age describing sexual contact or physical abuse through the testimony of a child's confidant, if the court determines the statement is reliable and the child is available to back up the testimony.

Another new statute urged superior court judges to use restitution orders in abuse cases to aid victims in obtaining rehabilitative psychological treatment and medical care, and it required the Judicial Council and the Council of Superior Court Judges to collaborate in surveying and reporting on the use of restitution orders in such cases. Through another resolution, the legislature urged criminal justice training agencies, including the Institute of Continuing Judicial Education, to conduct specialized training in the processing and management of cases involving abuse or sexual exploitation.

In addressing judicial retirement, the General Assembly enacted legislation affecting both judges and court support personnel. Legislators raised the mandatory retirement age from 70 to 75 for superior court and Court of Appeals judges and Supreme Court justices. Probate judges received an additional increased retirement benefit of 25%, while superior court clerks were awarded a 14% boost in benefits. Secretaries of superior court judges and district attorneys who were employed before July 1, 1975 were granted the option of purchasing service credit to increase their retirement incomes.

Both appellate and superior court judges approved new continuing education requirements during FY 1986, and the training condition for superior court clerks was reduced from 20 to 15 hours per year. The Supreme Court and Court of Appeals amended their rules to mandate 12 hours of annual instruction in a continuing judicial or legal education activity, permitting judges who complete more than 12 hours to apply the excess credit to the succeeding year. The Council of Superior Court Judges as well adopted by resolution a compulsory education program that includes a minimum of 12 hours per annum, with new judges completing an orientation course in their first year of service.

The two groups of judges must devote at least two hours of their yearly education requirement to judicial or legal ethics. Appellate court judges must file evidence of compliance with their training requirements to their respective court clerks, while superior court judges who fail to earn the necessary credit hours are issued a private admonition or public reprimand by the Council of Superior Court Judges, depending on the extent of their noncompliance.

Many local jurisdictions planned for and began implementation of projects designed to streamline court activities and reduce court delay. A pilot project of mandatory panel arbitration in certain civil actions filed in the Superior Court of Fulton County started in March 1986 with the expectation that 1,200 cases would be processed during the first year. The project is a result of efforts of a joint committee of superior court judges and metro-Atlanta bar association members and is partly funded through money from the Governor's discretionary fund.

Federal block grant funds from the Bureau of Justice Assistance were funneled through the Governor's Criminal Justice Coordinating Council to subsidize a variety of existing programs on the local and regional (circuit) level, many of which involved the application of computer technology to court systems.

Counties receiving funds include Bibb County, $33,664 to expand its criminal case management system; Chatham County, $41,331 for its pretrial release program; Tenth Judicial District, $46,108 to consolidate juror selection and print summonses in the Toombs circuit, to computerize juvenile court information and automate the magistrate court warrant tracking system in Richmond County and to set up internal case management systems in the Augusta and Northern circuits; Whitfield County, $15,431 for an automated warrant tracking system in the district attorney's office; DeKalb County, $80,529 for the district attorney to fund five positions in

Five-Year Comparison for Judicial Budget (1983 - 1987)

Fiscal year	Total state appropriation	Increase	Judicial appropriation	Increase	Percent of state budget
1983	$3,685,528,666	$162,562,218	$26,590,315	$2,284,473	0.72%
1984	3,960,829,559	275,300,893	30,010,038	3,419,723	0.76%
1985	4,364,827,675	403,998,116	33,042,076	3,032,038	0.76%
1986	5,225,947,053	861,119,383	36,376,436	3,334,360	0.70%
1987	5,316,000,000	90,052,942	39,136,875	2,760,439	0.74%

State Appropriations for the Judicial Branch: Fiscal Years 1985, 1986 and 1987

Budget Unit/Agency	FY 1985 Amended Appropriation	FY 1986 Amended Appropriation	Percent Change FY '85-'86	FY 1987 General Appropriation	Percent Change FY '86-'87
Supreme Court	$ 3,072,016	$ 3,174,486	3.3	$ 3,305,545	4.1
Court of Appeals	3,337,970	3,606,414	8.0	3,784,560	4.9
Superior Courts (Total)	25,583,882	28,372,779	10.9	30,713,828	8.3
Operations	24,378,138	27,058,697	11.0	29,276,040	8.2
Council of Superior Court Judges	54,502	51,378	- 5.7	68,986	34.3
Judicial Administrative Districts	541,766	609,002	12.4	670,523	10.1
Prosecuting Attorneys' Council	498,713	538,924	8.1	579,032	7.4
Sentence Review Panel	110,763	114,778	3.6	119,247	3.9
Juvenile Courts (Total)	129,968	196,899	51.5	207,411	5.3
Operations	0	0	0	0	0
Council of Juvenile Court Judges	129,968	196,899	51.5	207,411	5.3
Council of Magistrate Court Judges	0	0	—	20,000	—
Council of Probate Court Judges	0	0	—	20,000	—
Council of State Court Judges	0	0	—	9,500	—
Institute of Continuing Judicial Education (Total)	263,924	280,912	6.4	308,334	9.8
Operations	247,659	263,500	6.4	270,000	2.5
Magistrate Courts Training Council	16,265	17,412	7.1	38,334	120.2
Judicial Council (Total)	553,148	640,621	15.8	662,405	3.4
Operations	469,180	552,486	17.8	570,358	3.2
Board of Court Reporting	18,968	21,035	10.9	23,047	9.6
Case Counting	65,000	67,100	3.2	69,000	2.8
Judicial Qualifications Commission	101,168	104,325	3.1	105,292	0.9
Judicial Branch Total	**$33,042,076**	**$ 36,376,436**	**10.1**	**$ 39,136,875**	**7.6**

Judicial Branch Budget Units: FY '86 Funds Available and Expenditures

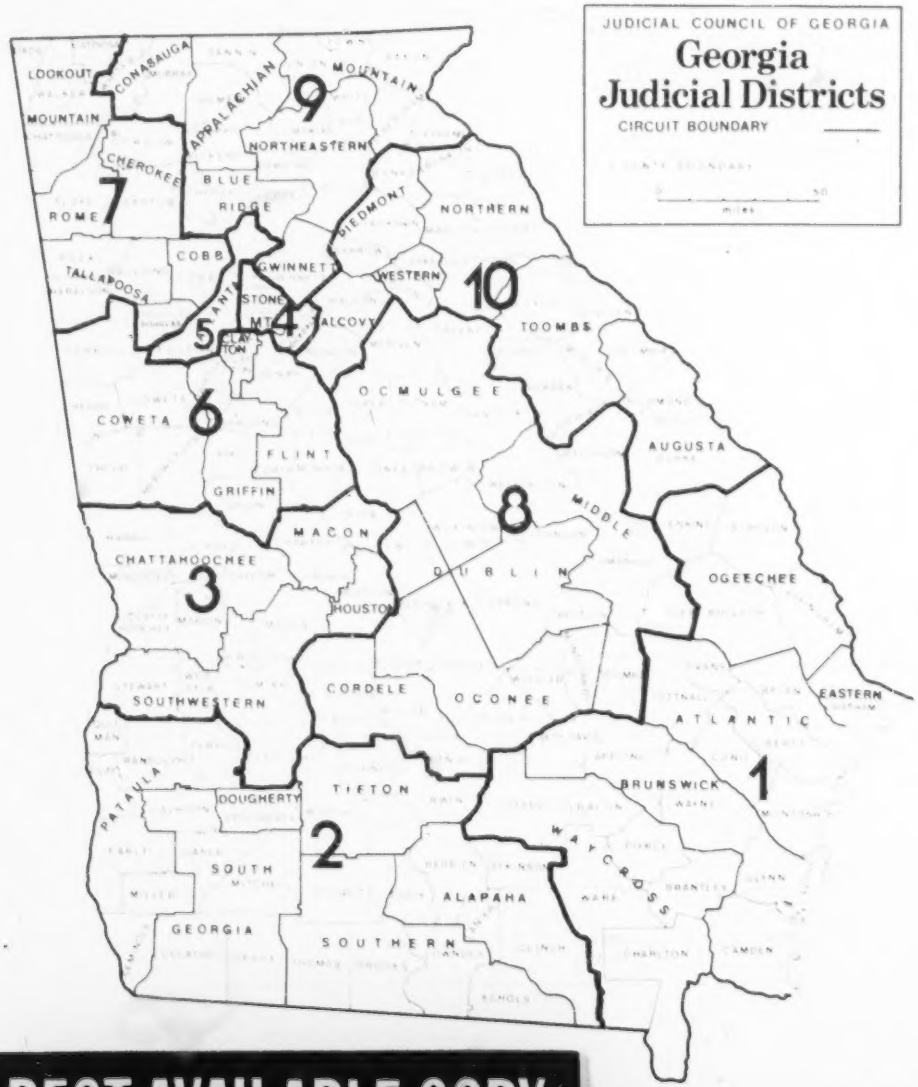
	Supreme Court	Court of Appeals	Superior Courts	Juvenile Courts	Institute of Continuing Judicial Education	Judicial Council	Judicial Qualifications Commission	Total
FUNDS AVAILABLE								
General Appropriations	$3,174,486	$3,606,414	$27,572,779	$188,462	$280,912	$632,621	$104,325	$33,559,999
Supplemental Appropriations	0	0	800,000	8,437	0	8,000	0	816,437
Governor's Emergency Funds	5,000	0	15,000	0	0	0	0	20,000
Total State Funds	3,179,486	3,606,414	28,387,779	196,899	280,912	640,621	104,325	36,396,436
Federal Funds	0	0	103,156	383,931	17,391	6,178	0	510,656
Other Funds	390,928	60,281	457,410	3,728	64,652	42,122	0	1,019,121
Total Funds Available	**$3,570,414**	**$3,666,695**	**$28,948,345**	**$584,108**	**$362,955**	**$688,921**	**$104,325**	**$37,926,213**
EXPENDITURES								
Personal Services	$2,450,224	$3,211,690	$27,365,365	$196,265	$ 0	$441,681	$ 0	$33,665,225
Regular Operating Expenses	227,808	89,884	441,394	6,295	21,557	27,676	3,002	817,616
Travel	24,229	21,944	431,225	20,594	0	9,370	0	507,362
Publications and Printing	112,533	27,109	67,689	9,106	78,081	50,603	5,304	350,425
Equipment Purchases	74,602	85,249	52,942	2,248	1,200	0	0	216,241
Computer Charges	292,943	0	22,014	70,308	942	40,162	0	426,369
Real Estate Rentals	175,773	142,587	60,793	6,375	0	21,675	748	407,951
Telecommunications	26,344	33,072	35,209	4,888	0	7,130	779	107,422
Per Diem, Fees & Contracts	169,193	34,042	215,349	277,240	259,684	90,145	62,503	1,108,156
Total Expenditures	**$3,553,649**	**$3,645,577**	**$28,691,980**	**$593,319**	**$361,464**	**$688,442**	**$72,336**	**$37,606,767**

the Career Criminal Prosecution Unit; and Lowndes County, $14,500 for its Prosecution Management Support System. The Judicial Council was awarded $23,649 to test a case-by-case reporting system on a pilot basis in six counties to determine if court delay exists, to devise goals and standards for case processing and to gather statistical information regarding the age of open cases as well as the processing time from case filing to disposition.

Georgia's twenty-first chief justice assumed office in March 1986 when Thomas O. Marshall replaced Harold N. Hill, Jr. as head of the Supreme Court. Both Marshall and Justice Harold G. Clarke, who replaced Marshall as presiding justice of the court, were elected by their colleagues. The new chief justice addressed state bar members at their meeting in June and reported on uniform trial court rules, the work of the Judicial Process Review Commission, child abuse and other topics in reflecting on the current state of the judiciary.

The Georgia Indigent Defense Council continued pursuit of its major goal to obtain statewide funding for indigent defense in order to guarantee a uniform system of attorney compensation and provide improved services. Although the judicial branch budget request included $1.9 million for the council in 1986, the legislature failed to appropriate the needed funds. In response to a petition from the council, the Supreme Court issued an order in February 1986 endorsing suggested changes to the Guidelines for Local Indigent Defense Programs to reflect new economic conditions. The amendments affected the uniform eligibility guidelines, fees paid to lawyers under a panel program and salaries paid in public defender programs and specified that the uniform rules of court shall be controlling if a conflict exists with the indigent defense guidelines.

Georgia Judicial Administrative Districts



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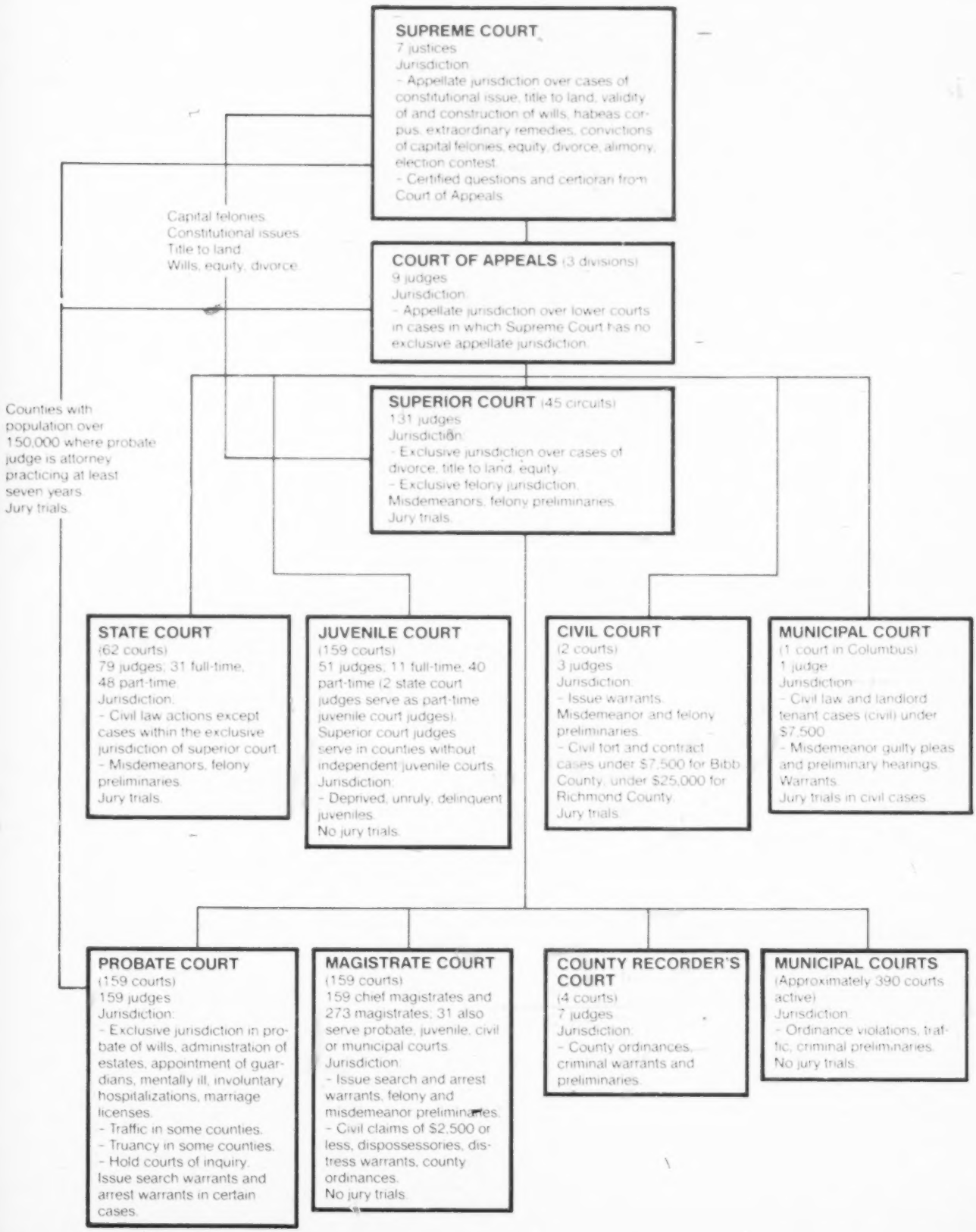
Georgia Court System: July 1, 1986


SUPREME COURT
7 justices
Jurisdiction
- Appellate jurisdiction over cases of constitutional issue, title to land, validity of and construction of wills, habeas corpus, extraordinary remedies, convictions of capital felonies, equity, divorce, alimony, election contest.
- Certified questions and certiorari from Court of Appeals.
Capital felonies.
Constitutional issues.
Title to land.
Wills, equity, divorce.
COURT OF APPEALS (3 divisions)
9 judges
Jurisdiction:
- Appellate jurisdiction over lower courts in cases in which Supreme Court has no exclusive appellate jurisdiction.
SUPERIOR COURT (45 circuits)
131 judges
Jurisdiction:
- Exclusive jurisdiction over cases of divorce, title to land, equity.
- Exclusive felony jurisdiction.
Misdemeanors, felony preliminaries.
Jury trials.
Counties with population over 150,000 where probate judge is attorney practicing at least seven years.
Jury trials.
STATE COURT
(62 courts)
79 judges; 31 full-time, 48 part-time.
Jurisdiction:
- Civil law actions except cases within the exclusive jurisdiction of superior court.
- Misdemeanors, felony preliminaries.
Jury trials.
JUVENILE COURT
(159 courts)
51 judges; 11 full-time, 40 part-time (2 state court judges serve as part-time juvenile court judges).
Superior court judges serve in counties without independent juvenile courts.
Jurisdiction:
- Deprived, unruly, delinquent juveniles.
No jury trials.
CIVIL COURT
(2 courts)
3 judges
Jurisdiction:
- Issue warrants.
Misdemeanor and felony preliminaries.
- Civil tort and contract cases under $7,500 for Bibb County, under $25,000 for Richmond County.
Jury trials.
MUNICIPAL COURT
(1 court in Columbus)
1 judge
Jurisdiction:
- Civil law and landlord tenant cases (civil) under $7,500.
- Misdemeanor guilty pleas and preliminary hearings.
Warrants.
Jury trials in civil cases.
PROBATE COURT
(159 courts)
159 judges
Jurisdiction:
- Exclusive jurisdiction in probate of wills, administration of estates, appointment of guardians, mentally ill, involuntary hospitalizations, marriage licenses.
- Traffic in some counties.
- Truancy in some counties.
- Hold courts of inquiry.
Issue search warrants and arrest warrants in certain cases.
MAGISTRATE COURT
(159 courts)
159 chief magistrates and 273 magistrates; 31 also serve probate, juvenile, civil or municipal courts.
Jurisdiction:
- Issue search and arrest warrants, felony and misdemeanor preliminaries.
- Civil claims of $2,500 or less, dispossessories, distress warrants, county ordinances.
No jury trials.
COUNTY RECORDER'S COURT
(4 courts)
7 judges
Jurisdiction:
- County ordinances, criminal warrants and preliminaries.
MUNICIPAL COURTS
(Approximately 390 courts active)
Jurisdiction:
- Ordinance violations, traffic, criminal preliminaries.
No jury trials.

Supreme Court

The number of cases filed and disposed by Georgia's highest appellate court has remained fairly steady for the past several years, with an apparent slight upward fluctuation in FY 1985. During FY 1986, 1,607 cases were filed in the court clerk's office, while the court disposed of 1,656 and wrote 331 opinions.

As Georgia's ultimate court of review, the Supreme Court exercises exclusive appellate jurisdiction over cases that involve the interpretation of the constitutions of both the state of Georgia and the United States, as well as treaties between the United States and foreign governments. The court also has the power to render the final decision in the state in cases involving (1) imposition of a sentence of death by a superior court, (2) contested elections, (3) validity or construction of wills, (4) equity, (5) land titles, (6) habeas corpus, (7) extraordinary remedies (mandamus, prohibition, quo warranto, etc.) and (7) divorce and alimony. The court also reviews by certiorari cases transferred from the Court of Appeals and decides questions certified to it by that court. In addition, the court answers questions of law from any state or federal appellate court.

Cases are assigned in rotation to the seven justices for preparation of opinions. After writing an opinion, the justice circulates it to the entire court for study. Following a discussion en banc, the opinion is adopted or rejected by the majority of justices. In the event a justice is unable to serve or disqualifies himself from a case, the remaining justices appoint a substitute justice from a superior court to serve.

Three terms of court, which begin in September, January and April, are held each year. No oral arguments are heard in August and December. In most instances, cases are decided and judgments given during the term in which they were accepted. The state constitution requires that cases must be disposed by the end of the second term of court after filing; otherwise, the judgment of the lower court is affirmed by operation of law. No case has been decided this way in the court's history.

Although the court nearly always hears cases in Atlanta, it occasionally schedules sessions at other locations in the state such as at accredited law schools in order to educate students in court operations.

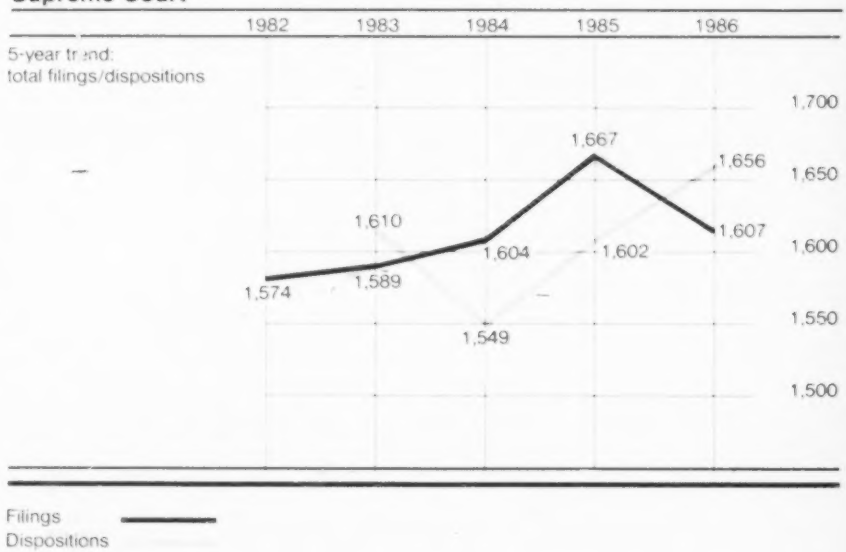
Justices who serve on the court are elected to staggered six-year terms in nonpartisan, statewide elections. Any vacancies on the court are filled by gubernatorial appointment. To qualify for office as a justice, a person must be at least age 30, a citizen of the state for three years, and must have been admitted to the practice of law for seven years.

The justices elect from among their number a chief justice and a presiding justice, whose terms run for four years. As administrative head of the court, the chief justice presides over court conferences and oral arguments and serves as chairman of the Judicial Council, an administrative arm of the court. The presiding justice performs the duties of the chief justice in his absence and is vice chairman of the council.

Law assistants, who must be licensed attorneys, are appointed by each justice to help in the research and preparation of opinions. A court-appointed clerk along with clerical assistants provide support for the court in calendaring and caseload and records management. The court also appoints an official reporter, who publishes the opinions of the Supreme Court and Court of Appeals.

Since one of the powers invested in the Supreme Court is the authority to promulgate orders

Supreme Court



needed to carry out its jurisdiction, the court has directed several agencies to assist it in administrative matters. Among these are the Institute of Continuing Judicial Education, the Judicial Council/ Administrative Office of the Courts, the Judicial Qualifications Commission, the State Bar of Georgia and the Office of Bar Admissions (which serves as the administrative office for the State Board of Bar Examiners and the Board to Determine Fitness of Bar Applicants).

The Supreme Court's caseload for administrative court years (September 1 — August 31) 1985 and 1986 is shown at the right. Presented on the previous page is a comparison of filings for 1982 - 1986 and dispositions for 1983 - 1986.

Supreme Court Caseload: 1985 and 1986

Filed	1985	1986
Direct appeals (Final)	584	549
Petitions for certiorari	572	563
Original petitions/Motions	26	31
Habeas corpus applications	127	152
Applications for discretionary appeal	200	182
Applications for interlocutory appeal	50	52
Summary judgment granted	16	0
Certified questions	14	11
Attorney discipline*	78	56
Judicial discipline	—	0
Bar admissions	—	11
TOTAL	1,667	1,607

Disposed	1985	1986
Opinions written	387	331
Affirmed without opinion (Rule 59)	125	139
Certiorari applications		
Granted	72	68
Denied	415	486
Dismissed		35
Habeas corpus applications		
Granted	10	4
Denied	111	111
Supersedeas granted	1	0
Interlocutory applications		
Granted	14	15
Denied	26	30
Discretionary applications		
Granted	48	38
Denied	137	121
Original petitions/Motions		
Granted	2	2
Denied	10	15
Disciplinary/Bar admissions/Judicial disciplinary decided by order	30	28
Other		
Transferred to Court of Appeals by order	49	73
Dismissed/Remanded by order	125	111
Withdrawn	38	39
Affirmed by order	1	0
Habeas corpus death sentence set aside by order	1	0
TOTAL	1,602	1,656

*Prior to 1986, Attorney discipline, Judicial discipline and Bar admissions were grouped together in one category.

Court of Appeals

Studies have shown that the Court of Appeals of Georgia is one of the busiest appellate courts in the country. The Court of Appeals was created in 1907 to alleviate some of the considerable caseload burden from the Supreme Court. It has statewide original jurisdiction from superior, state and juvenile courts in appeals involving civil claims for damages, workers' compensation and in criminal cases other than capital felonies.

The nine judges who serve on the court are divided into three panels. Unanimous decisions of the panel reviewing the case are final. However, when a single judge in a panel dissents, the case is considered by the entire court. If, after the full court hears the case, the court is equally divided as to its verdict, the case is transferred to the Supreme Court. During recent years, 70% of the court's decisions were absolutely final, since only 30% of cases were passed on to the Supreme Court for certiorari and it accepted less than 20% of these.

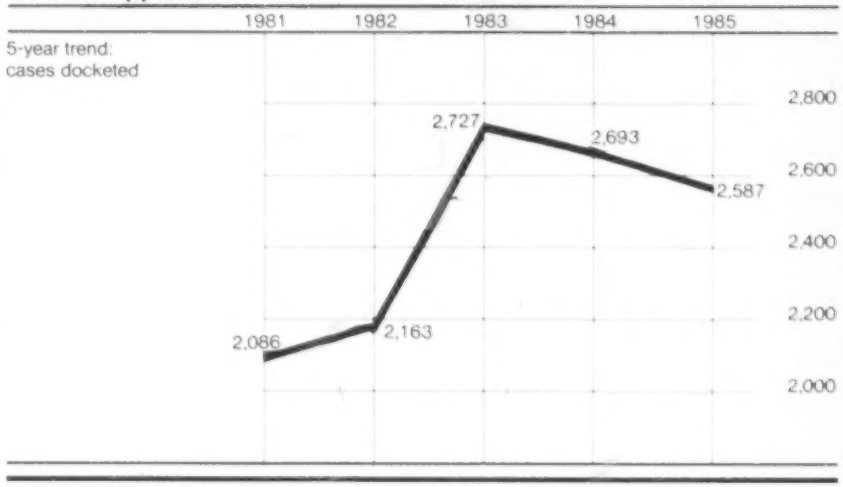
Every two years, the court names a chief judge who is responsible for the administrative functions of the court. By tradition, the chief judgeship rotates to the court's most senior member who has not yet held the office. The chief judge appoints three other judges to preside over each of the panels and with them forms the court's executive council.

The judges of the Court of Appeals are elected to staggered, six-year terms in statewide, nonpartisan elections. A candidate for judgeship must have been a practicing attorney for at least seven years. In the event of a vacancy on the court, the governor appoints a successor.

The court holds its three annual sessions, which begin in September, January and April, in Atlanta. Cases are always decided by the term after that in which they were docketed; otherwise, a judgment is affirmed by operation of law. This has never happened in the history of the Court of Appeals.

Court of Appeals filings for calendar years 1981 - 1985 are compared below.

Court of Appeals



Superior Courts

Georgia's 159 superior courts are its trial courts of general jurisdiction. As specified in the state constitution, these courts exercise exclusive original jurisdiction in felony cases (except those in which the defendant is a juvenile) as well as cases involving divorce, equity and title to land. They also have exclusive statutory jurisdiction in such matters as declaratory judgments, habeas corpus, mandamus, quo warranto and prohibition.

With the exception of certain juvenile and probate matters, superior courts also have concurrent jurisdiction with local limited jurisdiction trial courts. In addition, they have the authority to correct errors of lesser courts by writ of certiorari.

Each county has a superior court, although in many areas, superior court judges serve more than one county. For managerial purposes, the superior court system is divided into ten administrative districts, with boundaries that roughly parallel those of the federal congressional districts. An administrative judge performs executive functions in the district and is assisted by a district court administrator who provides technical assistance for the courts in each district. Administrative judges have statutory authority to use caseload and other information for management purposes and to assign superior court judges, with their approval, to serve temporarily in other counties and circuits as needed. Administrative judges are elected for two-year terms by the district's superior court judges.

The judicial administrative districts are further divided into 45 circuits. A chief judge, who in most cases attains the position through seniority, handles the administrative tasks for each circuit. Geographic areas of circuits vary from one that covers eight counties to ten circuits that are

each made up of one county. Single county circuits are usually located in Georgia's metropolitan areas. A single judge presides in two circuits, Appalachian and Rockdale; other circuits, depending on caseload and population, have from two to twelve judges.

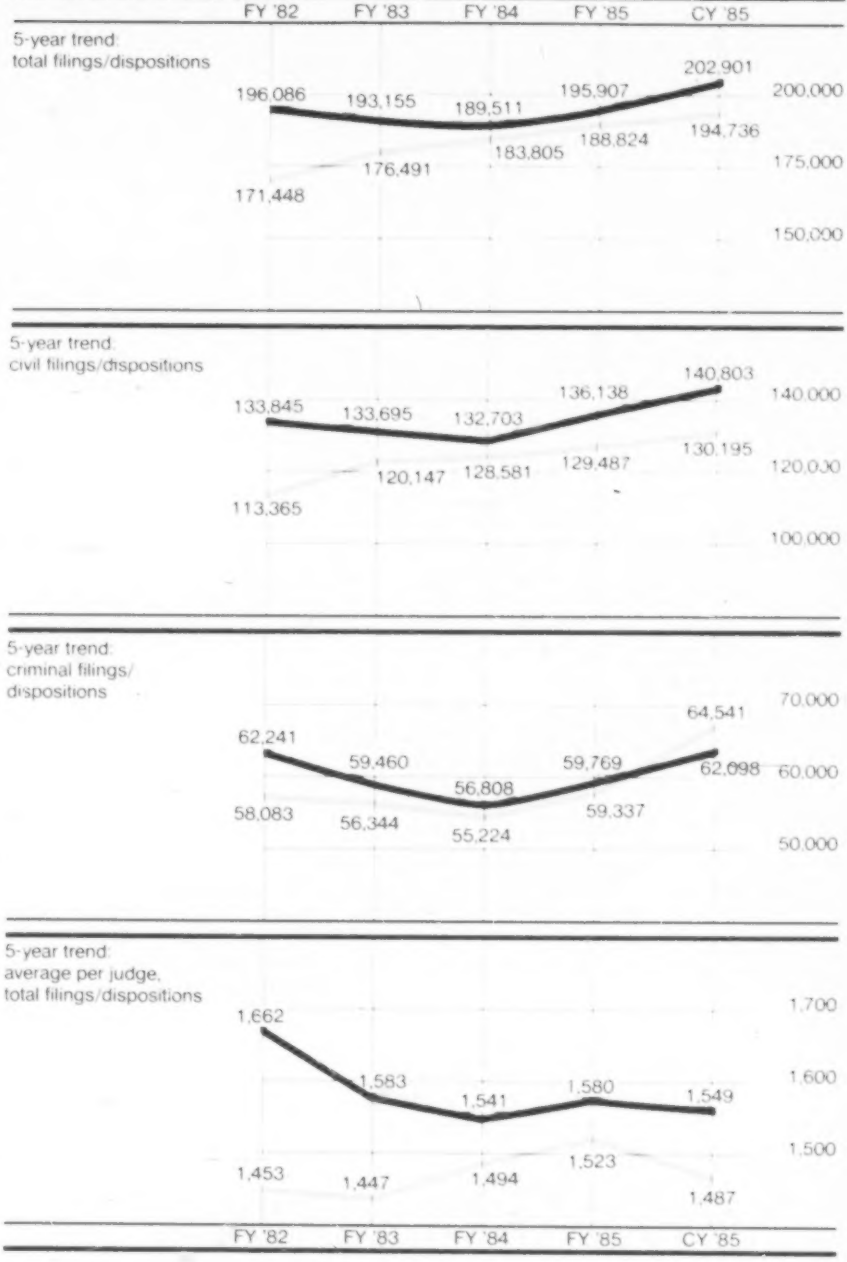
Superior court judges are elected to four-year terms in nonpartisan, circuitwide races. To qualify as a superior court judge, a person must be at least 30 years old, a citizen of Georgia for at least three years, and have been authorized to practice law for at least seven years. Beginning in FY 1987, superior court judges and senior judges must fulfill a 12-hour annual compulsory education requirement that was adopted by the Council of Superior Court Judges this past year.

Thirty-seven senior superior court judges, who have retired from the bench and requested senior status, may hear cases in any circuit in the state at the request of the other administrative judges.

On June 30, 1986, 127 judges were allocated to Georgia's 159 superior courts. Four additional judgeships for the Augusta, Piedmont, Northeastern and Stone Mountain judicial circuits were created by the 1986 General Assembly. These new judges were appointed by Governor Harris for terms beginning July 1, 1986.

The four graphs at the right compare total, civil, criminal and average filings and dispositions for fiscal years 1982 - 1985 and calendar year 1985. CY '85 total superior court caseload by circuit and case type is presented in the table on pages 10 and 11.

Superior Courts



CY 1985 Superior Court Caseload (Docket entries)

Circuit	Total Criminal Filed	Total Criminal Disposed	Felony Filed	Felony Disposed	Misdemeanor Filed	Misdemeanor Disposed	Traffic Filed	Traffic Disposed
Alapaha	2,744	2,912	799	937	1,390	1,360	555	615
Alcovy	1,521	1,315	573	537	830	687	118	91
Appalachian	955	838	224	188	604	509	127	141
Atlanta	5,530	8,314	5,504	8,254	26	60	0	0
Atlantic	1,879	1,799	581	602	93	54	1,205	1,143
Augusta	1,343	1,532	932	1,070	309	345	102	117
Blue Ridge	479	432	465	418	7	7	7	7
Brunswick	1,836	1,680	1,134	983	299	213	403	484
Chattahoochee	2,177	2,478	1,368	1,714	586	549	223	215
Cherokee	1,435	1,547	551	643	757	774	127	130
Clayton	1,240	1,187	1,123	1,090	104	88	13	9
Cobb	2,455	2,480	2,005	1,967	229	240	221	273
Conasauga	1,131	1,196	435	421	399	537	297	238
Cordele	1,001	1,133	407	441	493	582	101	110
Coweta	1,053	1,040	798	790	202	195	53	55
Dougherty	745	913	745	912	0	1	0	0
Douglas	1,083	1,040	372	335	559	568	152	137
Dublin	1,184	1,496	283	432	836	919	65	145
Eastern	1,389	1,431	1,261	1,302	102	99	26	30
Flint	871	796	378	326	408	388	85	82
Griffin	1,561	1,512	847	753	550	568	164	191
Gwinnett	1,270	1,219	1,236	1,186	18	18	16	15
Houston	447	456	386	396	60	60	1	0
Lookout Mountain	2,253	2,108	760	801	980	923	513	384
Macon	1,381	1,306	1,167	1,054	176	205	38	46
Middle	642	667	629	655	7	7	6	5
Mountain	653	613	403	337	195	225	54	51
Northeastern	1,492	1,225	590	361	377	347	525	517
Northern	1,031	1,183	453	525	552	625	26	33
Ocmulgee	2,553	2,422	1,151	1,046	1,269	1,246	133	130
Oconee	880	771	408	362	449	385	23	24
Ogeechee	509	546	502	538	7	8	0	0
Pataula	1,046	988	438	430	539	508	69	50
Piedmont	1,104	1,099	343	354	365	330	396	415
Rockdale	751	553	331	230	414	323	6	0
Rome	1,710	1,718	543	542	1,080	1,101	87	75
Southern	1,049	1,163	892	955	155	207	2	1
South Georgia	596	598	511	518	82	75	3	5
Southwestern	738	658	508	455	183	159	47	44
Stone Mountain	2,783	2,577	2,782	2,576	1	1	0	0
Tallapoosa	1,391	1,370	422	426	601	561	368	383
Tifton	786	848	472	506	296	321	18	21
Toombs	1,865	1,762	290	280	1,004	939	571	543
Waycross	983	1,071	609	642	358	407	16	22
Western	573	549	535	512	31	32	7	5
TOTAL	62,098	64,541	37,146	39,802	17,983	17,757	6,969	6,982
AVERAGE PER JUDGE*	474	493	284	304	137	136	53	53

*Based on 131 superior court judges

CY 1985 Superior Court Caseload (Docket entries)

Total Civil		General Civil		Domestic Relations		Independent Motions		Total Caseload		Total Open
Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Caseload
1,223	1,025	286	291	560	442	377	292	3,967	3,937	1,516
2,440	2,953	778	839	946	1,280	716	834	3,961	4,268	2,442
1,206	815	502	293	351	287	353	235	2,161	1,653	1,501
11,195	11,202	3,871	4,098	5,267	5,202	2,057	1,902	16,725	19,516	9,917
2,898	2,494	674	619	1,731	1,422	493	453	4,777	4,293	2,345
7,132	5,290	1,097	724	4,426	3,279	1,609	1,287	8,475	6,822	8,935
1,932	1,636	394	299	901	817	637	520	2,411	2,068	1,339
3,403	2,942	925	829	1,667	1,557	811	556	5,239	4,622	4,864
5,637	7,558	929	1,164	3,578	5,156	1,130	1,238	7,814	10,036	2,802
2,838	2,701	952	903	995	1,040	891	758	4,273	4,248	3,086
3,128	2,979	612	495	2,045	2,044	471	440	4,368	4,166	2,796
7,695	7,414	1,208	1,268	5,140	5,028	1,347	1,118	10,150	9,894	5,604
2,638	1,998	1,065	762	1,281	913	292	323	3,769	3,194	2,356
1,581	1,683	596	598	704	813	281	272	2,582	2,816	1,177
4,120	3,336	1,162	868	2,070	1,784	888	684	5,173	4,376	4,407
1,725	1,259	239	78	1,051	848	435	333	2,470	2,172	2,024
2,682	1,952	1,214	831	927	722	541	399	3,765	2,992	3,193
1,988	2,181	868	936	851	953	269	292	3,172	3,677	1,981
4,227	3,959	1,409	1,067	1,753	1,984	1,065	908	5,616	5,390	4,460
2,248	1,842	966	751	777	696	505	395	3,119	2,638	2,803
2,747	2,444	882	673	1,197	1,093	668	678	4,308	3,956	3,029
5,604	5,037	1,165	947	2,905	2,797	1,534	1,293	6,874	6,256	2,786
1,708	1,185	281	166	963	704	464	315	2,155	1,641	1,973
3,281	3,158	726	697	1,840	1,852	715	609	5,534	5,266	3,929
4,063	3,036	958	647	2,354	1,833	751	556	5,444	4,342	2,832
2,629	2,149	882	697	1,523	1,227	224	225	3,271	2,816	2,607
1,592	1,337	431	329	710	630	451	378	2,245	1,950	1,006
2,561	1,706	697	415	1,199	820	665	471	4,053	2,931	2,071
1,803	2,090	547	695	777	917	479	478	2,834	3,273	2,055
3,299	3,168	1,239	1,226	1,372	1,287	688	655	5,852	5,590	3,366
1,346	1,312	545	540	580	524	221	248	2,226	2,083	985
1,652	1,831	505	538	828	863	319	430	2,161	2,377	1,475
1,326	1,160	95	77	681	544	550	539	2,372	2,148	1,490
1,744	1,995	546	688	760	933	438	374	2,848	3,094	2,047
1,305	2,468	811	1,083	422	921	72	464	2,056	3,021	2,248
2,631	2,873	680	908	1,055	1,165	896	800	4,341	4,591	3,789
3,616	3,959	725	852	1,797	1,644	1,094	1,463	4,665	5,122	2,690
1,951	1,664	218	207	1,062	886	671	571	2,547	2,262	1,585
2,034	1,689	762	526	872	761	400	402	2,772	2,347	1,405
10,987	8,682	1,669	1,621	6,223	5,755	3,095	1,306	13,770	11,259	10,721
3,127	3,143	1,083	1,060	1,135	1,226	909	857	4,518	4,513	3,569
2,160	1,419	245	226	1,056	742	859	451	2,946	2,267	2,068
1,072	935	277	253	499	407	296	275	2,937	2,697	1,831
2,656	2,617	823	738	1,312	1,360	521	519	3,639	3,688	2,081
1,973	1,919	692	597	875	913	406	409	2,546	2,468	1,555
140,803	130,195	37,231	34,119	71,018	68,071	32,554	28,005	202,901	194,736	134,741
1,075	994	284	260	542	520	249	214	1,549	1,487	1,029

State Courts

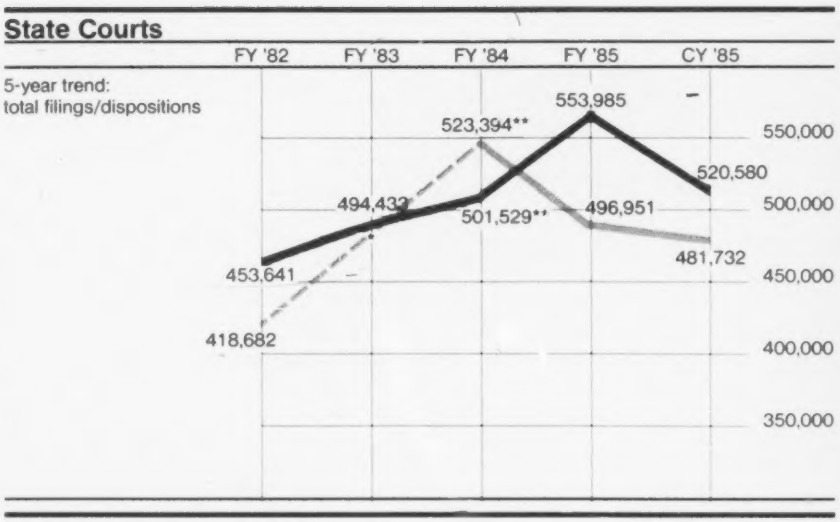
A 1970 legislative act established Georgia's state court system by designating as such certain existing countywide courts of limited jurisdiction. In counties where they are located, these courts may exercise jurisdiction over all misdemeanor violations, including traffic cases and all civil actions, regardless of the amount claimed, unless the superior court retains exclusive jurisdiction. State courts are authorized to hold hearings regarding applications for and issuance of search and arrest warrants and to hold courts of inquiry. These courts may also punish contempt by fine of up to $500 and/or sentence of 20 days in jail. The constitution grants state courts the authority to review lower court decisions, if this power is provided by statute. Procedures in the state courts generally parallel those of the superior courts.

The General Assembly may create new state courts by legislative act in counties where none already exist. The legislature also establishes by local law the number of judges to preside in state courts and whether they shall be full or part-time. Part-time judges are permitted to practice law, except in their own courts.

In FY 1986 62 state courts operated in 63 counties. Georgia's only multi-county state court serves Cherokee and Forsyth counties. Of the 79 judges presiding, 31 were full-time state court judges and 48 served on a part-time basis.

State court judges are elected to four-year terms in nonpartisan, countywide elections. Judges must be at least 25 years old, have practiced law for at least five years, and lived in the county for at least three years. If a vacancy occurs in a state court judgeship, the governor may fill the office by appointment.

Above is a comparison of total state court caseload for fiscal years 1982 - 1985 and for calendar year 1985. CY '85 filings and dispositions by county are listed in the tables below and on the next page.



CY 1985 State Court Caseload (Docket entries)

	Misdemeanor		Traffic		General Civil		Independent Motions		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Appling	601	400	966	1,024	26	21	4	2	1,597	1,447
Baldwin	1,678	1,678	1,642	1,642	0	0	0	0	3,320	3,320
Bibb	3,937	3,694	3,113	3,025	701	525	139	99	7,890	7,343
Bryan	183	173	1,527	1,723	88	65	20	11	1,818	1,972
Bulloch	1,638	1,505	5,058	4,714	76	48	66	64	6,838	6,331
Burke	370	370	2,702	2,702	75	47	54	45	3,201	3,164
Candler	147	134	2,171	1,986	0	0	0	0	2,318	2,120
Carroll	840	1,660	5,674	5,037	499	460	165	96	7,178	7,253
Chatham	1,431	1,447	1,331	1,403	2,426	2,426	1,526	1,516	6,714	6,792
Chattooga	514	512	2,559	2,374	20	10	10	8	3,103	2,904
Cherokee	2,025	1,512	7,148	5,998	614	478	137	47	9,924	8,035
Clarke	1,213	597	3,786	3,166	282	192	118	104	5,399	4,059
Clayton	11,114	11,114	12,771	12,771	3,291	2,461	2,323	1,447	29,499	27,793
Clinch	280	280	651	651	4	14	2	2	937	947
Cobb	6,037	5,404	41,705	41,163	8,081	5,732	11,834	10,801	67,657	63,100

CY 1985 State Court Caseload (Docket entries)

	Misdemeanor		Traffic		General Civil		Independent Motions		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Coffee	1,050	706	2,102	1,806	61	52	23	29	3,236	2,593
Colquitt	1,003	934	1,775	1,803	50	39	20	9	2,848	2,785
Coweta	919	967	5,664	5,011	316	205	73	25	6,972	6,208
Decatur	573	544	1,903	1,933	2	12	84	92	2,562	2,581
DeKalb	4,595	9,353	281	263	17,313	12,358	7,297	2,547	34,486	24,521
Dougherty	3,788	4,231	4,911	5,662	2,189	1,810	2,983	2,408	13,871	14,111
Early	221	233	1,202	1,361	0	2	34	32	1,457	1,628
Effingham	166	127	1,337	1,299	108	118	22	23	1,633	1,567
Elbert	1,007	882	870	869	22	16	3	1	1,902	1,768
Emanuel	1,022	741	3,895	2,911	48	32	35	14	5,000	3,698
Evans	128	124	991	990	45	14	39	18	1,203	1,146
Forsyth	1,482	1,332	3,347	2,986	333	198	77	29	5,239	4,545
Fulton	14,492	14,803*	4,515	8,722*	24,585	26,444	75,176	70,200	118,768	120,169
Glynn	1,211	722	8,854	9,693	812	1,082	785	748	11,662	12,245
Grady	488	445	1,524	1,550	23	15	8	3	2,043	2,013
Gwinnett	2,566	2,551	1,290	1,102	4,130	2,613	1,083	651	9,069	6,917
Habersham	616	464	1,224	920	74	77	19	23	1,933	1,484
Hall	3,252	2,893	8,378	7,279	325	164	92	60	12,047	10,396
Houston	3,684	2,683	7,057	6,369	1,163	941	594	219	12,498	10,212
Jackson	614	512	7,436	6,227	15	18	8	8	8,073	6,765
Jeff Davis	580	386	1,491	1,402	18	18	11	10	2,100	1,816
Jefferson	611	598	2,189	2,181	30	34	23	16	2,853	2,829
Jenkins	227	207	930	930	66	79	14	5	1,237	1,221
Liberty	1,384	1,293	1,323	1,301	101	61	24	10	2,832	2,665
Long	0	0	967	967	15	11	3	2	985	980
Lowndes	2,682	2,818	10,247	10,411	253	161	17	13	13,199	13,403
Macon	240	194	733	660	18	20	9	9	1,000	883
Miller	199	189	776	737	3	3	3	3	981	932
Mitchell	651	588	1,103	1,103	0	0	0	0	1,754	1,691
Muscogee	2,591	1,510	2,316	1,499	614	424	42	30	5,563	3,463
Pierce	267	223	677	689	13	10	2	4	959	926
Putnam	264	264	782	782	0	0	0	0	1,046	1,046
Richmond	7,091	4,986	12,371	10,398	434	309	169	169	20,065	15,862
Screven	283	278	1,353	1,351	22	27	2	1	1,660	1,657
Spalding	800	739	2,298	2,488	106	97	52	27	3,256	3,351
Stephens	460	448	878	903	0	0	0	0	1,338	1,351
Sumter	1,198	1,082	1,977	1,976	118	84	54	33	3,347	3,175
Tattnall	173	101	1,636	1,138	53	61	22	23	1,884	1,323
Thomas	1,501	1,245	2,708	2,364	1	0	53	39	4,263	3,648
Tift	1,995	2,486	6,496	6,552	1	8	255	166	8,747	9,212
Toombs	587	474	1,790	1,702	53	50	62	66	2,492	2,292
Treutlen	144	129	3,175	2,757	2	3	0	4	3,321	2,893
Troup	6,123	6,110	1,722	1,773	203	154	67	20	8,115	8,057
Walker	620	647	2,547	2,542	81	22	12	7	3,260	3,218
Ware	943	888	4,051	3,828	154	154	92	84	5,240	4,954
Washington	781	703	531	491	10	8	4	4	1,326	1,206
Wayne	279	356	425	421	39	53	11	23	754	853
Worth	497	403	2,577	2,461	1	1	33	28	3,108	2,893
TOTAL	113,056	105,072*	271,429	223,942*	70,206	60,541	105,889	92,177	520,580	481,732

*Criminal dispositions include some multiple counts (charges), whereas criminal filings are tallied by docket entries only.

Juvenile Courts

Georgia's 159 separate juvenile courts have exclusive original jurisdiction in deprivation cases for children under age 18 and in all cases, with the exception of adoption proceedings, involving children under age 17. (Jurisdiction for capital felony and custody cases is shared with the superior courts.) These courts also administer supervision and probation cases for those under 21 who were sentenced for an offense committed before age 17.

In the age categories specified above, juvenile courts handle cases in which children are charged with noncapital offenses, are in need of treatment because of mental illness or retardation or are deprived. Cases involving minors' obtaining of judicial consent for marriage, employment or armed services enlistment as well as those that fall under the Interstate Compact on Juveniles also fall under the purview of these courts. In addition, juvenile courts hold concurrent jurisdiction with superior courts in proceedings that involve termination of legal parent-child relationship, support and custody, except where the law gives superior courts exclusive jurisdiction.

Cases that are appealed from the juvenile courts are heard, depending on jurisdiction, by the Court of Appeals or the Supreme Court.

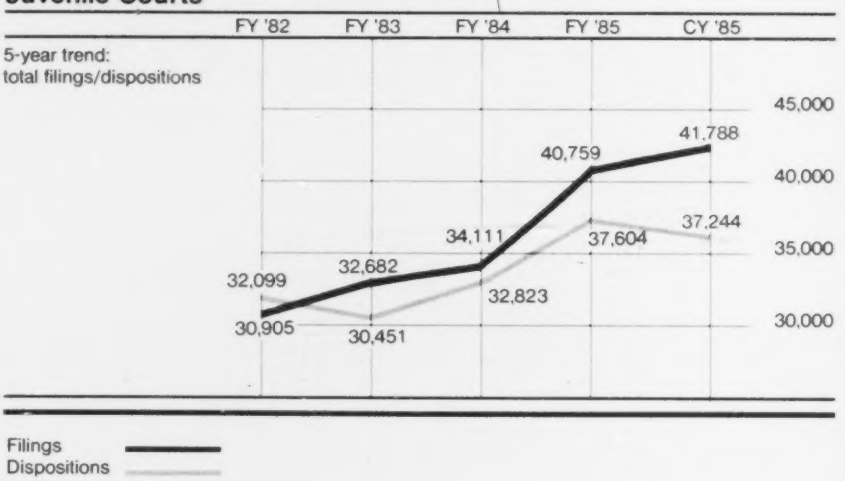
In 1982 the General Assembly enacted OCGA § 15-11-3, which authorized a circuit-based juvenile court system and specified state supplements for circuits establishing judgeships on that geographical basis. However, since the legislature has yet to appropriate funds to implement this act, the state's 11 full-time and 40 part-time juvenile court judges who serve in the 59 separate juvenile courts continue to be funded by individual counties. In counties or circuits with no separate juvenile court judge, superior or state court judges hear juvenile cases. Twenty-three counties each have a juvenile court referee to assist the juvenile or superior court judge with handling cases. Like the other trial courts, juvenile courts adhere to a set of uniform rules concerning procedures.

In most cases, juvenile court judges are appointed by superior court judges of the circuit for a four-year term (an exception is the election of the judge in the Juvenile Court of Floyd County). Judges must be at least 30 years old, have practiced law for five years and have lived in Georgia for three years. Full-time juvenile court judges cannot practice law while holding office. Georgia law requires that juvenile court judges attend one seminar each year that offers training in such subjects as juvenile law and procedure and psychological and sociological theories relating to the family and delinquency.

Juvenile court referees, who are appointed to full or part-time positions, assist with hearing juvenile cases and provide judges with written findings and recommendations. They must be admitted to the state bar or have graduated from law school.

Statewide total juvenile court filings and dispositions are compared below for fiscal years 1982 - 1985 and for calendar year 1985. Juvenile court caseload for CY '85 is presented by county in the table on pages 15-17.

Juvenile Courts



CY 1985 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Appling	43	40	5	4	0	0	0	0	0	0	48	44
Atkinson	13	13	1	1	0	0	4	4	0	0	18	18
Bacon	11	13	8	8	0	0	12	3	2	2	33	26
Baker	3	3	1	1	0	0	0	0	1	1	5	5
Baldwin	34	34	10	10	0	0	58	56	0	0	102	100
Banks	7	7	2	1	0	0	4	4	0	0	13	12
Barrow	76	55	28	20	15	15	42	39	0	0	161	129
Bartow	63	62	22	21	4	4	16	15	3	3	108	105
Ben Hill	46	23	2	1	0	0	7	3	0	0	55	27
Berrien	13	13	5	5	0	0	5	5	0	0	23	23
Bibb	773	746	136	137	4	4	115	82	181	135	1,209	1,104
Bleckley	26	26	0	0	0	0	6	6	0	0	32	32
Brantley	14	16	6	6	0	1	1	1	0	0	21	24
Brooks	36	26	2	1	2	1	11	10	0	0	51	38
Bryan	11	10	3	3	0	0	6	6	0	0	20	19
Bulloch	85	72	32	27	14	12	15	18	0	0	146	129
Burke	33	31	4	4	0	0	10	6	0	0	47	41
Butts	54	48	4	4	0	1	1	1	1	1	60	55
Calhoun	6	4	5	4	1	1	0	0	0	0	12	9
Camden	74	71	22	20	0	0	76	76	11	11	183	178
Candler	18	18	1	1	0	0	5	5	0	0	24	24
Carroll	165	131	68	28	11	11	91	63	11	9	346	242
Catoosa	154	156	34	39	20	20	35	23	1	1	244	239
Charlton	12	11	1	0	1	1	4	7	0	0	18	19
Chatham	1,065	954	196	176	92	56	247	228	62	60	1,662	1,474
Chattahoochee	4	4	2	2	0	0	5	5	0	0	11	11
Chattooga	40	37	5	4	0	0	9	8	3	3	57	52
Cherokee	255	215	92	74	33	29	25	24	86	65	491	407
Clarke	347	335	74	65	20	20	114	107	17	16	572	543
Clay	10	10	2	2	0	0	1	1	0	0	13	13
Clayton	677	543	374	306	30	22	209	185	139	113	1,429	1,169
Clinch	8	8	5	5	0	0	4	4	1	1	18	18
Cobb	547	408	346	311	56	46	113	89	65	55	1,127	909
Coffee	54	51	3	3	9	7	8	6	4	4	78	71
Colquitt	91	61	8	4	3	3	30	11	2	2	134	81
Columbia	124	124	16	16	7	7	3	3	12	8	162	158
Cook	77	75	12	10	0	0	3	3	3	3	95	91
Coweta	152	144	69	69	2	1	133	127	5	5	361	346
Crawford	6	6	0	0	1	1	2	2	0	0	9	9
Crisp	51	43	12	10	2	2	42	31	1	1	108	87
Dade	4	1	7	4	0	0	7	13	0	0	18	18
Dawson	19	14	0	0	0	0	0	3	0	0	19	17
Decatur	49	35	10	5	1	1	19	11	0	0	79	52
DeKalb	2,362	2,062	1,040	981	140	110	494	485	127	126	4,163	3,764
Dodge	28	23	1	1	2	2	0	0	0	0	31	26
Dooly	32	32	8	8	1	1	12	8	0	0	53	49
Dougherty	630	611	44	44	28	28	56	64	7	7	765	754
Douglas	308	217	76	43	14	15	47	18	10	8	455	301
Early	46	36	14	14	15	15	4	4	0	0	79	69
Echols	0	0	0	0	0	0	0	0	0	0	0	0
Effingham	7	7	15	11	6	6	30	26	0	0	58	50
Elbert	30	36	3	4	9	13	4	2	0	0	46	55
Emanuel	16	16	0	0	0	0	31	31	3	3	50	50
Evans	23	30	11	11	1	1	14	17	0	0	49	59

CY 1985 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Fannin	24	20	15	14	7	6	12	10	1	2	59	52
Fayette	98	112	7	11	1	1	17	17	0	0	123	141
Floyd	335	310	216	208	19	19	102	87	3	3	675	627
Forsyth	146	177	33	45	4	4	5	5	23	24	211	255
Franklin	25	16	5	4	5	4	3	5	0	0	38	29
Fulton	6,053	4,773	989	716	565	474	892	728	227	174	8,726	6,865
Gilmer	25	19	14	10	0	0	4	3	7	6	50	38
Glascock	0	0	0	0	0	0	0	0	0	0	0	0
Glynn	389	391	143	137	7	7	40	39	4	2	583	576
Gordon	175	156	91	77	26	22	103	93	9	6	404	354
Grady	25	18	3	2	1	1	3	2	5	6	37	29
Greene	8	8	2	2	0	0	18	18	0	0	28	28
Gwinnett	1,160	1,130	448	427	202	113	348	329	77	63	2,235	2,062
Habersham	13	6	7	1	0	0	31	12	0	0	51	19
Hall	264	279	140	148	10	11	68	72	27	22	509	532
Hancock	0	0	0	0	0	0	2	2	0	0	2	2
Haralson	41	37	6	5	6	6	7	14	0	0	60	62
Harris	13	15	2	3	1	1	0	0	1	1	17	20
Hart	35	45	3	2	5	5	13	14	0	0	56	66
Heard	2	2	0	0	0	0	10	10	0	0	12	12
Henry	117	77	80	75	83	76	20	20	0	0	300	248
Houston	160	185	83	77	4	5	51	52	17	14	315	333
Irwin	9	30	1	1	2	6	0	0	0	0	12	37
Jackson	44	45	10	8	3	3	23	16	2	2	82	74
Jasper	2	2	0	0	0	0	2	2	0	0	4	4
Jeff Davis	69	66	4	4	10	10	14	15	0	0	97	95
Jefferson	45	44	4	2	0	0	8	8	1	0	58	54
Jenkins	6	6	0	0	0	0	12	12	0	0	18	18
Johnson	12	12	0	0	3	3	7	8	0	0	22	23
Jones	1	1	0	0	0	0	6	6	0	0	7	7
Lamar	24	24	8	8	0	0	21	14	0	0	53	46
Lanier	10	10	3	3	0	0	0	0	0	0	13	13
Laurens	133	136	27	27	10	10	49	46	0	0	219	219
Lee	67	54	10	10	15	22	5	5	9	9	106	100
Liberty	200	121	79	50	4	4	11	0	3	1	297	176
Lincoln	3	3	0	0	0	0	0	0	1	2	4	5
Long	16	17	10	10	1	1	10	15	0	0	37	43
Lowndes	134	140	22	22	10	10	35	34	0	0	201	206
Lumpkin	27	21	0	0	7	6	0	0	0	1	34	28
Macon	36	40	2	3	3	3	3	5	0	0	44	51
Madison	28	29	10	9	7	6	5	1	0	0	50	45
Marion	1	2	4	4	0	0	2	4	0	0	7	10
McDuffie	30	31	4	4	0	0	10	6	1	1	45	42
McIntosh	29	30	6	9	0	0	9	14	2	2	46	55
Meriwether	32	37	0	0	4	4	75	79	1	1	112	121
Miller	5	6	1	1	3	3	1	0	0	0	10	10
Mitchell	52	52	3	3	0	0	9	5	0	0	64	60
Monroe	34	30	1	1	0	0	23	12	0	1	58	44
Montgomery	15	16	1	1	0	0	5	10	0	0	21	27
Morgan	42	43	16	16	0	0	14	19	0	0	72	78
Murray	135	112	38	27	0	0	35	31	3	3	211	173
Muscogee	964	981	413	418	106	102	279	265	199	170	1,961	1,936
Newton	293	264	113	111	12	10	178	159	63	41	659	585
Oconee	3	1	0	0	0	0	13	8	1	0	17	9

CY 1985 Juvenile Court Caseload (Number of children)

County	Delinquent		Unruly		Traffic		Deprived		Special Proceedings		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
Oglethorpe	11	12	3	5	0	0	3	7	0	0	17	24
Paulding	160	155	83	87	30	29	13	7	1	1	287	279
Peach	43	47	3	3	1	1	0	0	0	0	47	51
Pickens	13	14	3	3	1	1	5	5	1	1	23	24
Pierce	9	12	2	2	2	4	5	8	1	1	19	27
Pike	11	13	3	3	1	1	7	7	0	0	22	24
Polk	28	20	42	34	2	0	29	29	1	1	102	84
Pulaski	18	12	0	0	0	0	2	2	0	0	20	14
Putnam	4	4	1	1	0	0	22	22	0	0	27	27
Quitman	1	0	0	0	0	0	0	0	0	0	1	0
Rabun	18	12	2	2	1	1	7	3	1	0	29	18
Randolph	28	26	0	0	0	0	3	3	0	0	31	29
Richmond	1,217	1,187	422	410	29	23	19	18	20	18	1,707	1,656
Rockdale	134	133	74	68	78	73	51	51	20	22	357	347
Schley	24	9	0	0	0	0	8	8	0	1	32	18
Screven	34	29	5	5	13	13	20	20	0	0	72	67
Seminole	14	14	0	0	0	0	0	0	0	0	14	14
Spalding	209	211	89	87	4	4	74	68	15	15	391	385
Stephens	39	24	3	3	5	3	7	5	7	4	61	39
Stewart	11	11	0	1	0	0	8	8	0	1	19	21
Sumter	140	142	15	16	11	10	24	23	0	0	190	191
Talbot	1	2	1	1	0	0	1	1	0	0	3	4
Taliaferro	0	0	0	0	0	0	0	0	0	0	0	0
Tattnall	36	40	2	3	1	1	3	4	0	0	42	48
Taylor	4	4	3	3	0	0	2	2	0	0	9	9
Telfair	53	50	17	17	5	5	6	2	0	0	81	74
Terrell	26	26	3	3	2	2	2	2	3	3	36	36
Thomas	110	70	18	13	2	0	14	4	0	0	144	87
Tift	157	83	30	22	1	0	11	10	2	0	201	115
Toombs	66	55	12	12	0	0	25	23	0	0	103	90
Towns	0	0	0	0	1	1	2	2	1	0	4	3
Treutlen	26	26	6	6	3	4	15	17	0	0	50	53
Troup	613	576	56	49	8	8	158	159	1	3	836	795
Turner	15	23	0	0	0	0	3	4	0	0	18	27
Twiggs	19	16	3	1	0	0	8	10	0	0	30	27
Union	14	3	2	1	0	0	14	4	15	10	45	18
Upson	41	46	12	12	3	3	38	39	0	0	94	100
Walker	152	151	79	75	37	35	40	36	21	23	329	320
Walton	365	388	91	95	80	86	156	160	32	42	724	771
Ware	118	103	41	35	16	15	48	42	8	12	231	207
Warren	1	1	0	0	0	0	0	2	0	0	1	3
Washington	34	41	9	9	0	0	13	13	0	0	56	63
Wayne	39	49	18	20	5	7	18	23	1	3	81	102
Webster	2	2	0	0	1	4	1	1	1	1	5	8
Wheeler	10	10	0	0	1	1	13	14	0	0	24	25
White	4	4	0	0	0	0	1	1	1	1	6	6
Whitfield	311	283	222	208	20	18	193	199	33	36	779	744
Wilcox	9	7	0	0	0	0	5	5	0	0	14	12
Wilkes	5	4	0	0	0	0	8	8	0	0	13	12
Wilkinson	13	12	0	0	0	0	3	2	0	0	16	14
Worth	28	26	5	5	3	3	2	3	3	4	41	41
TOTAL	24,880	22,139	7,304	6,565	2,057	1,771	5,913	5,366	1,634	1,403	41,788	37,244

Probate Courts

Each of Georgia's 159 counties has a probate court that exercises exclusive original jurisdiction in the appointment of guardians and the involuntary hospitalization of mentally incapacitated adults and other dependent individuals, the probate of wills and the administration of estates. Probate judges are empowered to hear traffic and certain misdemeanor cases, impose sentence for guilty pleas involving violations of local game and fish laws, hold preliminary hearings in criminal cases and hold habeas corpus hearings in counties with no state court.

Other duties include supervising local elections, administering oaths to public officers and appointing individuals to fill vacancies of local public offices. In addition, probate judges are authorized to perform such other administrative functions as the issuance of marriage licenses, pistol and explosives permits and delayed birth certificates.

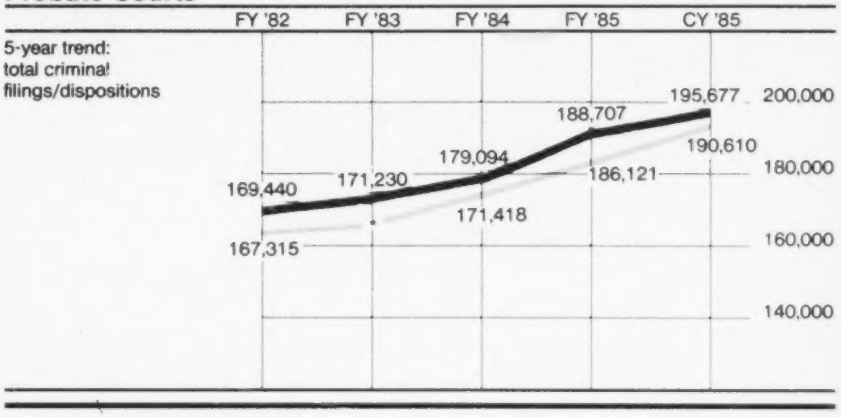
Probate court judges are elected to four-year terms in countywide, partisan elections. A candidate must be at least 25 years old, a high school graduate, a U.S. citizen and a county resident for at least two years before the election. In counties with a population over 100,000, probate judges must be 30 years old and have either practiced law for at least three years or served as clerk of the probate court for a minimum of five years.

If a vacancy occurs in a probate judgeship, state law requires that most counties hold a special election within 10 days. Until the new judge takes office, the chief judge of the state or city court or the clerk of the superior court serves as probate judge. In counties with a population between 200,000 and 250,000, the superior court judges may appoint a successor. A chief clerk who meets the qualifications for office may temporarily assume office upon the death, resignation, incapacity or inability of a judge to serve.

Newly elected or appointed judges must complete an initial training course in probate matters. In order to receive retirement credit, all judges are required to attend annual continuing education courses and seminars sponsored by the Executive Probate Judges Council and conducted by the Institute of Continuing Judicial Education (ICJE). The council is a non-funded state agency composed of probate judges that is responsible for advising ICJE on matters concerning continuing education for probate judges.

A comparison of total criminal filings and dispositions for those probate courts exercising criminal jurisdiction is presented above for fiscal years 1982 - 1985 and calendar year 1985. The table on pages 19-21 lists the CY '85 criminal caseload by county for those probate courts exercising criminal jurisdiction and the CY '85 civil caseload of 107 probate courts for which data was voluntarily submitted.

Probate Courts



* Disposition data unavailable for FY '83.

Filings ——
Dispositions ——

CY 1985 Probate Court Criminal Caseload (Docket entries)

County	Misdemeanor		Traffic		Total Caseload	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
Atkinson	51	71	552	840	603	911
Bacon	2	4	455	454	457	458
Banks	10	20	1,141	1,249	1,151	1,269
Barrow	0	0	1,441	1,463	1,441	1,463
Bartow	252	228	6,460	6,501	6,712	6,729
Ben Hill	35	31	1,238	1,082	1,273	1,113
Berrien	0	0	964	964	964	964
Bleckley	23	23	748	748	771	771
Catoosa	0	0	6,167	6,165	6,167	6,165
Charlton	0	0	1,049	1,082	1,049	1,082
Clay	0	0	481	481	481	481
Cook	81	81	6,134	6,134	6,215	6,215
Dade	5	5	2,196	2,196	2,201	2,201
Dawson	0	0	1,104	1,104	1,104	1,104
Dodge	50	35	1,158	957	1,208	992
Douglas	35	33	6,989	7,036	7,024	7,069
Fayette	36	26	2,061	1,848	2,097	1,874
Floyd	96	74	5,414	5,477	5,510	5,551
Gilmer	115	115	883	883	998	998
Glascock	11	11	72	80	83	91
Gordon	49	50	3,543	3,651	3,592	3,701
Greene	0	0	1,532	1,525	1,532	1,525
Haralson	31	9	2,555	2,197	2,586	2,206
Harris	123	113	2,163	2,120	2,286	2,233
Heard	0	0	612	704	612	704
Henry	88	90	8,064	7,472	8,152	7,562
Irwin	30	30	367	367	397	397
Johnson	0	0	406	520	406	520
Jones	0	0	2,261	2,261	2,261	2,261
Lamar	17	22	1,691	1,604	1,708	1,626
Lanier	0	0	292	292	292	292
Laurens	105	91	6,624	5,742	6,729	5,833
Lee	48	48	1,651	1,588	1,699	1,636
Lincoln	207	202	425	425	632	627
Madison	63	57	1,126	1,066	1,189	1,123
Marion	27	42	998	1,077	1,025	1,119
McIntosh	0	0	2,671	1,826	2,671	1,826
Morgan	98	98	4,958	4,958	5,056	5,056
Murray	162	162	1,617	1,617	1,779	1,779
Newton	103	103	4,086	4,004	4,189	4,107
Oglethorpe	52	45	709	658	761	703
Paulding	74	73	1,475	1,525	1,549	1,598
Peach	2	2	1,263	1,256	1,265	1,258
Pickens	0	0	2,215	2,215	2,215	2,215
Pike	0	3	1,218	1,197	1,218	1,200
Polk	68	48	1,827	1,710	1,895	1,758
Pulaski	15	15	543	543	558	558
Quitman	82	82	279	279	361	361
Rabun	117	117	466	466	583	583
Randolph	185	185	1,120	1,120	1,305	1,305
Richmond	7,091	4,986	12,371	10,398	19,462	15,384
Schley	9	9	314	314	323	323
Seminole	96	96	836	836	932	932
Stewart	63	61	261	320	324	381
Taliaferro	31	31	835	999	866	1,030
Taylor	42	48	1,100	1,096	1,142	1,144
Terrell	136	136	979	979	1,115	1,115
Turner	0	0	3,167	3,167	3,167	3,167
Twiggs	34	34	1,055	1,031	1,089	1,065
Union	72	63	583	559	655	622
Upson	72	82	3,086	3,024	3,158	3,106
Walton	24	23	3,170	3,098	3,194	3,121
Warren	14	13	889	845	903	858
Webster	16	16	603	603	619	619
Wheeler	72	66	1,003	989	1,075	1,055
White	0	0	513	513	513	513
Whitfield	131	131	3,845	3,845	3,976	3,976
Wilkinson	75	75	395	384	470	459
TOTAL	5,149	4,915	190,528	185,695	195,677	190,610

CY 1985 Probate Court Civil Caseload (Docket entries filed)

County	Total Civil	Adminis-tration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardian-ship	Year's Support	Hospital-ization	Habeas Corpus	Licenses Marriage	Licenses Pistol
Appling	771	35	6	0	25	7	2	39	0	504	153
Atkinson	201	9	2	2	16	2	1	6	0	86	77
Bacon	227	5	2	0	18	9	1	13	0	132	47
Baldwin	1,081	26	9	8	84	71	2	163	4	355	359
Barrow	575	13	8	1	60	14	4	34	0	249	192
Ben Hill	443	11	8	3	42	9	2	16	0	217	135
Berrien	356	17	6	2	25	6	8	15	0	259	18
Bibb	3,154	70	42	25	370	58	50	69	0	1,650	820
Bleckley	159	5	1	0	18	1	1	0	0	65	68
Brantley	230	5	1	1	21	6	1	0	0	117	78
Bryan	322	13	1	0	26	23	4	30	0	105	120
Butts	320	14	2	0	32	13	4	5	0	123	127
Candler	156	4	2	2	30	27	0	0	0	59	32
Charlton	2,684	15	4	1	17	4	3	0	0	2,628	12
Cherokee	1,303	14	18	2	116	21	13	28	0	611	480
Clarke	1,501	54	22	18	162	94	7	77	1	724	342
Clay	52	3	1	0	12	0	0	0	0	14	22
Clayton	4,288	63	23	22	237	214	59	95	0	2,242	1,333
Clinch	124	8	5	0	11	3	2	0	0	69	26
Cobb	8,775	157	70	31	775	291	94	186	4	4,744	2,423
Coffee	637	19	21	8	64	23	3	0	0	331	168
Colquitt	671	25	20	3	105	19	8	22	0	374	95
Coweta	1,151	22	22	3	126	31	22	100	0	504	321
Crawford	153	6	0	2	17	3	1	0	0	58	66
Crisp	449	16	1	0	66	7	9	12	0	179	159
Dade	1,798	5	3	1	14	6	0	0	0	1,668	101
Dawson	194	0	4	0	14	4	2	2	0	67	101
Decatur	539	10	6	5	66	9	2	23	0	314	104
DeKalb	10,724	189	168	201	952	355	140	419	15	5,574	2,711
Dodge	340	5	2	0	47	6	7	11	0	157	105
Dooly	242	10	2	6	36	4	2	6	0	73	103
Dougherty	2,378	32	21	20	213	63	11	81	0	1,229	708
Douglas	1,576	30	5	8	108	48	27	25	1	813	511
Echols	102	0	1	1	10	0	0	5	0	70	15
Evans	229	10	1	2	21	4	1	8	0	92	90
Fannin	307	9	6	0	24	6	6	10	0	139	107
Fayette	957	7	7	3	70	20	10	2	0	384	454
Floyd	1,730	46	18	14	209	49	19	159	0	832	384
Franklin	313	16	4	1	50	7	3	0	0	120	112
Fulton	14,008	383	339	250	1,364	965	134	26	0	6,892	3,655
Glascock	52	1	2	0	7	1	1	1	0	24	15
Glynn	1,551	95	7	13	157	81	12	0	0	845	341
Gordon	590	25	5	2	57	21	3	15	0	308	154
Grady	154	8	7	1	37	3	1	0	0	39	58
Greene	200	5	1	5	21	5	2	10	0	85	66
Gwinnett	5,227	68	27	10	373	151	41	59	0	2,734	1,764
Habersham	504	11	1	0	72	20	5	14	0	205	176
Hall	1,767	42	19	7	173	30	11	40	0	849	596
Haralson	662	22	1	3	59	11	7	37	0	249	273
Harris	391	5	1	11	39	4	1	3	0	171	156
Heard	243	5	0	39	0	1	10	8	0	79	101
Houston	1,864	35	18	8	205	58	11	0	0	921	608
Jackson	641	13	9	5	63	12	8	0	0	284	247
Jasper	182	5	8	0	22	4	1	0	0	67	75
Jeff Davis	290	5	9	3	40	10	1	0	0	156	66

CY 1985 Probate Court Civil Caseload (Docket entries filed)

County	Total Civil	Adminis-tration	No Admin-istration Necessary	Probate Common	Probate Solemn	Guardian-ship	Year's Support	Hospital-ization	Habeas Corpus	Licenses Marriage	Licenses Pistol
Jenkins	174	4	2	2	14	1	1	12	0	67	71
Jones	493	8	2	7	30	7	3	15	0	191	230
Lamar	326	5	9	3	30	3	5	18	0	105	148
Lanier	135	7	3	2	16	5	2	3	0	65	32
Laurens	825	14	19	6	76	20	3	61	0	378	248
Lee	326	4	4	4	29	1	5	4	3	128	144
Lincoln	88	4	0	1	18	1	4	0	0	35	25
Long	125	8	2	0	9	5	2	0	0	67	32
Madison	397	17	4	2	39	10	4	26	0	163	132
Marion	123	5	3	0	17	3	0	0	0	47	48
Monroe	324	7	2	4	36	11	3	3	0	121	137
Morgan	289	6	9	3	49	8	5	14	0	118	77
Murray	454	18	5	0	38	8	12	19	0	217	137
Muscogee	4,080	65	46	18	471	83	82	103	1	2,310	901
Newton	1,055	30	12	3	92	28	8	41	0	460	381
Oglethorpe	229	5	5	0	24	3	0	2	0	57	133
Paulding	619	25	9	1	57	20	6	0	0	303	198
Pickens	337	9	6	1	40	0	3	43	0	98	137
Pierce	265	10	0	7	23	3	0	11	0	167	44
Pike	206	7	1	0	30	5	2	4	0	77	80
Polk	1,006	41	19	2	94	21	7	80	0	444	298
Pulaski	222	3	2	2	24	7	0	8	0	87	89
Putnam	193	18	3	2	37	8	1	10	0	114	0
Quitman	60	4	1	0	11	1	1	2	0	17	23
Rabun	309	10	9	1	42	9	1	13	0	112	112
Randolph	192	7	2	2	23	2	2	0	0	68	86
Richmond	3,692	86	47	44	357	126	145	122	1	1,712	1,052
Rockdale	1,152	12	11	4	86	47	9	10	1	496	476
Schley	65	3	1	0	4	1	0	2	0	43	11
Screven	246	12	3	4	28	11	1	0	3	87	97
Seminole	1,353	8	13	0	31	5	8	0	4	1,233	51
Spalding	1,189	24	15	2	102	21	16	0	0	603	406
Stewart	115	6	0	0	7	4	1	10	0	46	41
Sumter	616	15	6	5	66	16	5	5	0	278	220
Taylor	139	6	2	1	17	0	0	0	0	65	48
Telfair	319	5	1	0	33	4	1	15	0	124	136
Terrell	367	11	4	0	36	4	5	13	0	96	198
Thomas	1,122	19	7	1	105	16	6	355	0	461	152
Toombs	702	185	16	2	44	11	10	32	0	242	160
Towns	185	4	1	0	21	7	2	0	0	81	69
Treutlen	143	6	3	1	5	0	3	5	0	72	48
Turner	209	7	2	1	18	6	2	20	0	69	84
Upson	662	15	12	2	94	10	9	35	0	263	222
Walker	867	30	20	7	152	69	25	56	1	306	201
Walton	691	14	10	3	66	14	6	39	1	318	220
Ware	890	37	15	2	101	28	7	29	0	453	218
Warren	96	1	1	3	14	5	0	3	0	41	28
Washington	382	15	8	9	47	11	1	16	0	152	123
Wheeler	111	5	1	0	14	4	2	1	0	53	31
White	325	6	4	2	36	8	5	20	0	137	107
Wilkinson	268	12	1	2	25	7	1	35	0	83	102
Worth	383	7	6	0	57	14	4	5	0	167	123

Magistrate Courts

A statewide system of magistrate courts was created by the 1983 Georgia Constitution to replace justice of the peace, small claims and other similar courts. A chief magistrate, with the assistance of one or more magistrates, presides over each of the 159 magistrate courts, one per county, in Georgia.

Magistrate court jurisdiction encompasses civil claims of $2,500 or less, trials for county ordinance violations, applications for and issuance of arrest and search warrants, issuance of peace bonds and warrants for good behavior, holding of courts of inquiry and issuance of summonses, dispossessory writs and distress warrants. Magistrate judges may grant bail in cases for which the setting of trial is not in the exclusive jurisdiction of another court, administer oaths and issue subpoenas, as well as sentence and fine for contempt not to exceed 10 days' imprisonment and/or $200.

Since no jury trials are held in magistrate court, cases involving county ordinance violations in which the defendant submits a written request for a jury trial are transferred to superior or state court. These courts also handle appeals of judgments from magistrate courts.

In addition to hearing cases, duties of the chief magistrate include assignment of cases, setting of court sessions, appointment of other magistrates (with the consent of the superior court judges) and deciding disputes among other magistrates. Minimum compensation for chief magistrates and magistrates is fixed by law. Unless otherwise provided by local law, the number of magistrates in addition to the chief is set by vote of the superior court judges.

Chief magistrates are either appointed or elected in partisan countywide elections to serve for a four-year term. Terms for other magistrate judges run concurrently with that of the chief magistrate who appointed them. Unless local law makes other provisions, the circuit's superior court judges appoint someone to fill the position of chief magistrate if a vacancy occurs.

To qualify for candidacy for magistrate office, persons must reside in the county for at least one year preceding their term of office, be 25 years of age and have a high school diploma or its equivalent. New magistrates, unless they are active members of the state bar, must complete a 40-hour course for certification and all magistrates must complete 20 hours of continuing education each year while in office. The Georgia Magistrate Courts Training Council formulates the curricula for the seminars and sets the standards for certification. The Institute of Continuing Judicial Education coordinates the training courses.

As provided by law, judges of other limited jurisdiction courts may also serve on the magistrate court in the same county. At the end of FY '86, 26 probate judges, two civil court judges, two juvenile court judges and one municipal court judge also served as chief magistrates.

FY '86 magistrate court caseload is presented on pages 23-25 for 140 counties submitting data.

FY 1986 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Committment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings**	Total Hearings and Dispositions †
Appling	995	200	0	0	394	359	134	36	1,523	595
Atkinson	198	0	0	0	323	320	99	68	620	388
Bacon	328	109	0	0	199	199	103	51	630	359
Baldwin	2,347	360	0	0	2,413	N/A	1,488	N/A	6,248	360
Banks	406	319	33	8	141	100	43	40	623	467
Barrow	1,942	458	2	2	619	406	297	203	2,860	1,069
Ben Hill	1,978	106	0	0	1,292	1,300	916	805	4,186	2,211
Berrien	1,006	7	0	0	332	263	163	69	1,501	339
Bibb	6,941	1,937	0	0	1,084	785	275	165	8,300	2,887
Bleckley	696	94	0	0	499	470	113	76	1,308	640
Brooks	589	280	5	5	433	434	132	56	1,159	775
Bryan	482	59	41	41	462	327	83	74	1,068	501
Bulloch	3,104	39	0	0	1,440	2,289	566	448	5,110	2,776
Burke	1,213	20	0	0	777	657	373	247	2,363	924
Butts	648	128	1	0	358	263	101	96	1,108	487
Calhoun	134	1	0	0	165	141	77	16	376	158
Camden	1,936	682	0	0	452	312	222	189	2,610	1,183
*Candler	125	59	0	0	314	320	53	45	492	424
Carroll	1,934	1	0	0	1,129	939	666	524	3,729	1,464
*Charlton	104	34	0	0	26	10	11	4	141	48
Chatham	5,847	4,707	0	0	4,682	3,613	7,016	1,593	17,545	9,917
Clarke	10,211	2,112	0	0	1,237	1,135	1,625	537	13,073	3,784
Clay	80	68	0	0	25	27	7	5	139	100
Clayton	6,933	7,887	106	130	1,296	694	5,872	739	14,207	9,450
Clinch	163	0	0	0	515	291	220	7	898	227
Cobb	12,660	1,024	1,427	918	1,993	1,173	0	0	16,307	3,115
Coffee	3,935	868	0	0	784	783	477	352	5,196	2,003
Colquitt	2,526	73	89	0	1,927	788	499	164	5,041	1,025
Columbia	1,511	35	112	78	914	586	276	245	2,813	944
*Cook	252	6	0	0	86	123	30	30	368	159
Coweta	2,396	466	204	113	1,569	1,436	781	470	4,950	2,485
Crawford	295	10	3	3	136	116	19	19	453	148
Crisp	1,357	218	0	0	685	664	487	343	2,529	1,225
Dade	653	532	0	0	115	117	6	6	774	655
Dawson	312	120	22	18	367	232	22	6	723	376
Decatur	1,658	551	0	0	1,867	N/A	625	N/A	4,150	551
DeKalb	15,862	14,129	0	0	2,752	2,036	75	39	18,689	16,204
Dodge	946	0	0	0	354	249	59	19	1,359	268
Dooly	338	15	0	0	531	346	122	83	991	444
Dougherty	7,692	215	0	0	3,982	4,392	1,238	1,124	12,912	5,731
*Douglas	468	0	35	36	163	126	206	147	872	309
Early	389	0	0	0	603	603	197	119	1,189	722
Echols	38	16	0	0	15	13	2	2	55	31
Effingham	589	23	2	2	442	442	113	104	1,146	571
Emanuel	1,372	387	40	40	985	985	362	168	2,759	1,580
Evans	424	134	0	0	388	264	148	70	960	468
Fannin	595	128	4	4	233	237	16	15	848	384
*Fayette	427	140	48	25	179	144	122	75	776	384
Floyd	4,915	223	6	6	2,205	1,891	1,873	1,295	8,999	3,415
Franklin	669	185	0	0	363	325	127	22	1,159	332
Fulton	16,640	17,935	25,208	2,504	3,140	581	13,040	2,003	58,028	23,023
Gilmer	747	207	0	0	542	239	58	31	1,347	477
*Glascock	7	0	0	0	7	4	1	0	15	4
Glynn	3,623	154	22	22	1,264	754	879	321	5,788	1,251
Gordon	2,550	721	0	0	666	511	347	241	3,563	1,473
Greene	564	154	0	0	720	703	219	182	1,503	1,039
Gwinnett	9,195	2,152	0	0	1,694	1,602	3,528	4,312	14,417	8,066
Habersham	1,371	385	86	89	495	356	188	187	2,140	1,017
Hall	5,100	2,616	330	330	1,404	1,222	1,181	837	8,015	5,005
Hancock	211	100	0	0	747	750	189	44	1,147	894

FY 1986 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Committment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings**	Total Hearings and Dispositions †
Haralson	555	24	2	0	321	128	95	34	973	186
Harris	503	146	70	58	290	215	122	84	985	503
Hart	644	167	0	0	449	347	121	71	1,214	585
Heard	279	0	2	2	195	197	33	0	509	199
Henry	1,574	1,273	135	162	1,122	861	412	182	3,243	2,478
Houston	3,817	1,341	0	0	1,308	846	1,096	1,202	6,221	3,389
Irwin	289	4	0	0	208	214	152	96	649	314
Jackson	1,000	340	0	0	486	581	151	121	1,637	1,042
Jasper	345	122	0	0	174	132	58	26	577	280
Jeff Davis	879	792	0	0	632	634	288	259	1,799	1,685
Jefferson	1,131	257	0	0	762	762	370	269	2,263	1,288
Johnson	367	19	0	0	281	226	84	67	732	312
Jones	547	4	0	0	503	312	122	61	1,172	377
Lamar	489	88	0	0	327	252	205	174	1,021	514
Lanier	385	125	0	0	167	167	50	51	602	343
Laurens	2,184	22	0	0	978	746	351	487	3,513	1,255
Lee	352	62	2	2	248	227	109	85	711	376
Lincoln	222	23	15	15	300	323	88	42	625	403
*Long	165	12	0	0	18	18	5	5	186	35
Lowndes	4,968	1,243	237	170	3,886	1,729	2,680	1,536	11,699	4,678
Lumpkin	507	287	0	0	186	219	67	66	760	572
Macon	755	91	0	0	456	439	101	109	1,312	639
Madison	338	127	0	0	261	136	44	115	643	378
Marion	87	22	0	0	68	36	29	26	184	84
McDuffie	1,184	65	7	7	910	789	434	139	2,535	1,000
McIntosh	278	51	0	0	324	216	64	47	666	314
Meriwether	623	189	7	10	579	568	168	128	1,377	895
Miller	242	0	0	0	274	283	40	20	556	303
Monroe	490	115	1	1	601	434	257	159	1,349	709
Montgomery	223	0	0	0	171	174	28	19	422	193
Morgan	560	42	11	11	386	353	124	93	1,081	499
Murray	1,054	11	36	36	516	477	210	187	1,816	711
Muscogee	0	0	0	0	579	169	5	3	584	172
*Newton	682	161	5	5	309	193	124	93	1,120	452
*Oconee	72	0	0	0	82	50	30	26	184	76
Oglethorpe	236	44	0	0	170	118	31	6	437	168
Paulding	1,178	279	0	0	324	207	209	171	1,711	657
Peach	533	639	1	2	499	419	152	122	1,185	1,182
Pickens	621	0	0	0	193	149	50	42	864	191
Pierce	700	131	1	1	198	163	36	31	935	326
Pike	293	305	47	47	134	84	27	15	501	451
Pulaski	482	242	0	0	383	314	86	5	951	561
Putnam	757	611	90	95	688	569	364	236	1,899	1,511
Quitman	30	11	0	0	27	27	15	0	72	38
Rabun	149	0	0	0	296	291	20	18	465	309
Randolph	317	36	0	0	172	190	25	16	514	242
Richmond	8,853	2,155	4,824	4,809	7,858	7,774	7,581	4,871	29,116	19,609
Rockdale	1,855	619	340	345	685	511	617	485	3,497	1,906
Schley	150	122	0	0	55	48	29	20	234	190
Seminole	131	50	0	0	212	215	60	46	403	311
Spalding	2,856	986	14	14	2,378	1,479	2,069	1,145	7,317	3,624
Stephens	1,500	199	2	2	363	415	81	52	1,946	668
Sumter	2,409	2,009	0	0	1,041	944	777	642	4,227	3,595
*Tattnall	95	0	0	0	164	164	49	29	308	193
*Taylor	55	1	0	0	22	0	3	1	80	2
Telfair	635	120	0	0	275	270	139	63	1,049	453
Terrell	511	258	0	0	299	330	120	119	930	707
Thomas	2,846	459	6	7	2,004	1,482	1,087	804	5,943	2,752
Tift	3,172	2,302	0	0	916	917	423	291	4,511	3,510
Toombs	2,453	12	0	0	1,194	958	432	372	4,079	1,342

FY 1986 Magistrate Court Caseload (Cases filed)

County	Warrants Issued	Bond and Committment Hearings	County Ordinances Filed	County Ordinances Disposed	Civil Claims Filed	Civil Claims Disposed	Other Civil Cases Filed	Other Civil Cases Disposed	Total Filings**	Total Hearings and Dispositions†
Towns	206	4	0	0	44	39	8	7	258	50
*Treutlen	108	4	0	0	42	42	18	18	168	64
Troup	1,793	202	9	9	2,859	2,565	2,473	1,786	7,134	4,562
Turner	513	152	0	0	264	252	57	41	834	445
Twiggs	303	59	0	0	186	157	53	36	542	252
Upson	1,000	421	0	0	644	211	388	19	2,032	651
Walker	1,415	351	46	51	379	221	252	169	2,092	792
Walton	2,077	457	102	97	1,006	887	735	598	3,920	2,039
Ware	3,446	508	83	72	678	558	397	259	4,604	1,397
*Warren	82	1	0	0	72	21	43	16	197	38
Washington	1,102	46	0	0	1,065	548	279	178	2,446	772
Wayne	1,276	109	0	0	459	331	240	145	1,975	585
Webster	573	29	0	0	49	48	10	8	632	85
Wheeler	177	23	0	0	148	69	30	8	355	100
White	427	107	0	0	208	213	54	37	689	357
Whitfield	4,155	913	0	0	2,330	2,444	1,370	1,294	7,855	4,651
Wilcox	162	64	0	0	115	112	28	25	305	201
Wilkes	216	23	0	0	315	314	142	87	673	424
Wilkinson	286	13	6	3	321	321	68	23	681	360
Worth	903	43	0	0	400	424	142	109	1,445	576

* Partial reports were received from these counties.

** Total filings include warrants, attachments and all civil and criminal cases.

† Dispositions include hearings and other cases, except dispositions on attachments.

Other Courts

The Georgia court system encompasses approximately 400 courts that exercise limited jurisdiction as well as the two appellate courts and five major trial courts. Included are special courts and the many courts serving incorporated municipalities that were originally established by local legislation or constitutional provision.

Certain special courts that operate within county boundaries retain limited jurisdiction in civil and/or criminal cases. Among these are the Municipal Court of Columbus and the civil courts located in Bibb and Richmond counties. Courts that exercise criminal jurisdiction only include the recorder's courts in Chatham, DeKalb and Gwinnett counties and the consolidated government of Columbus-Muscogee County.

On the local level, Georgia has approximately 390 municipal courts that are authorized to hear cases involving violations of municipal ordinances, offenses against local traffic laws and other matters as provided by statute. These courts may also exercise the criminal jurisdiction of magistrate courts and have concurrent jurisdiction with state and superior courts over cases of possession of one ounce or less of marijuana. Qualifications of judges and terms of office in municipal courts are set by local legislation.

Originally established under various names (city courts, mayor's courts, municipal courts, police courts, recorder's courts) as courts of incorporated municipalities, the 1983 constitution redesignated these courts as municipal courts. An exception is the City Court of Atlanta, which retains its original name.

Judicial Agencies

Judicial Council of Georgia

The Judicial Council serves as the state-level judicial planning agency and is statutorily charged with formulating recommendations for the improved operation of the judicial system. The 24 members of the council are the chief justice and presiding justice of the Supreme Court, who serve as chairman and vice chairman; the chief judge and another representative of the Court of Appeals; the presidents and presidents-elect of the five trial court judges councils; and the 10 superior court district administrative judges. The council oversees the activities of the Administrative Office of the Courts and the Board of Court Reporting.

Once again in fiscal year 1986, the Judicial Council concentrated on its essential duty to propose necessary improvements for the state's courts by addressing its new and ongoing responsibilities to the judicial branch of government. The council held three formal meetings — in September and December, 1985 and June 1986 — to consider rules and regulations regarding child abuse, refine its judicial workload measures, plan for future needs of the courts, study court reporting matters and attend to administrative duties.

During the year, the council concluded its work on child abuse as mandated by two 1985 Senate resolutions. As a result of the work of its Committee on Child Abuse Protocols, chaired by the chief justice and composed of the top officers of the trial judges' councils, and a related subcommittee, chaired by Judge Edward Wheeler, Juvenile Court of DeKalb County, and consisting of criminal justice professionals, the council issued the *Guide for Establishing Local Child Abuse Protocols* as a framework for counties to use in developing interagency agreements to specify procedures in handling child abuse cases. Additionally, the council suggested a number of actions designed to improve the way in which child abuse cases are processed which call for legislative and administrative actions and for certain uniform court rules by various classes of courts dealing with child abuse cases. Listed among these recommendations were measures to ensure more expeditious reporting of information on suspected child abuse, allow use of videotaped testimony of sexually abused children, give child abuse cases priority on court calendars and limit continuances for such cases, assign confidential status to child abuse case files, establish rules governing media coverage in such cases and encourage the Department of Corrections and the Board of Pardons and Paroles to formulate guidelines for the treatment of convicted child abusers.

A 1986 House of Representatives resolution charged the Judicial Council with conducting a thorough study of the methods, agencies and authorities currently involved in child support enforcement and with examining equity of powers between administrative agencies and the courts. A second resolution required that the Judicial Council, in conjunction with the Council of Superior Court Judges, determine the level of use of restitution orders in cases involving child and sexual abuse and encourage their use.

Through its Weighted Caseload Review Committee, the Judicial Council evaluated proposals for improvement in its policy for recommending additional superior court judgeships. As part of its evaluation, the committee canvassed superior court judges regarding existing weighted case-

load standards and subsequently revised the judicial workload criteria against which requests for judgeships are measured. The full council adopted several committee recommendations which were applied to the 1986 caseload study and are reflected in the caseload charts and tables found in the preceding pages. These changes to the judgeship policy include the adjustment of threshold weights for both the Delphi and ratio analyses of court cases, revision of the percentages of domestic relations nonjury dispositions used in the Delphi weighted caseload formula and a change in the casecount period from fiscal to calendar year. Later, at its June 1986 meeting, the council voted to allow districts with state courts employing automated caseload reporting systems to submit computer-generated data reports and to exclude those courts from the manual casecount.

Pursuant to a contract between the Judicial Council and the 10 judicial administrative districts, district personnel conducted the FY '85 casecount in the summer of 1985 and staff of the Administrative Office of the Courts analyzed the tallied data. Following the caseload study, the council recommended to the Governor and the General Assembly the creation of five additional superior court judgeships to be placed in the Augusta, Lookout Mountain, Northeastern, Piedmont and Stone Mountain judicial circuits. All of these circuits except Stone Mountain were automatically reconfirmed from the previous year, pursuant to council policy, when no judgeships were legislatively created. Although the council also considered requests for permanent judicial assistance from the Cobb, Flint, Gwinnett and Ocmulgee circuits, there were no official endorsements concerning these courts.

Realizing the need for coordination of efforts in the computerization of the state's courts, the council chairman established the Electronic Data Processing Committee as an advisory body to counsel the judicial branch on matters related to electronic data processing and to identify the minimum data elements which should be included in any local computer application. A subcommittee of clerks and court administrators will identify the distinct data elements required in reports due various state agencies and those necessary for purposes of the caseload study, develop actual file layouts and investigate potential programming problems. Another subcommittee composed primarily of judges will review the information to be collected and determine its application to the system with the intention of distinguishing optional features for courts to adopt in their efforts at case management.

Throughout the year, in its capacity to define and regulate the practice of court reporters, the Judicial Council acted on a number of court reporting issues. It reversed a 1979 opinion of the Board of Court Reporting to clarify that, absent a specific request from the presiding judge, responsibility for payment of per diem to a court reporter lies with the requesting party. The council approved a board proposal to apply for grant funds to assign a reporter using computer-aided transcription equipment to transcribe death penalty cases throughout the state, and it rejected a proposition to set up a program establishing criteria and selecting scholarship recipients for a court reporting training school. In other action, the council amended the Court Reporters' Fee Schedule and approved amendments to the board's rules regarding assignment of partial testing credit, record and transcript paper quality and service requirements for sponsors of board temporary permit candidates. At the end of the year, plans were made to adopt procedures in accordance with House Bill 1227, passed by the legislature in 1986 to require the council to notify the chairman of each of the General Assembly's four judiciary committees 30 days prior to the proposed passage of amendments to court reporting rules and regulations concerning fees and transcripts.

The council received funds under the federal Justice Assistance Act to conduct a pilot project to investigate the feasibility of a case-by-case reporting system. In the latter part of the fiscal year, the $23,650 obtained for the project from the Governor's Criminal Justice Coordinating Council funded training sessions for superior court clerks' personnel and certain costs associated with the collection of open caseload data.

Administrative Office of the Courts

The Administrative Office of the Courts provides budget, research and management information services for the state court system and serves a liaison function through its administrative activities in connection with national-level and other state-level judicial agencies. The AOC also serves as staff to the Judicial Council.

The AOC's administration/operations division performs fiscal support services that involve coordination of the judicial branch appropriations request as well as serving as accounting officer for eight other judicial agencies. The fiscal office handles tasks associated with accounts payable, cash management, purchasing, inventory control, personnel records and financial reporting for these agencies.

In FY '86, the AOC served as fiscal officer to 48 separate funding sources comprising all or part of five of the seven budget units in the judicial branch (see table, p. 3). Total expenditures for the year amounted to over $2.6 million. Also during the year, testing was begun on a new database that would generate financial and management reports on each of these funding sources. The AOC completed plans to convert the payroll system to the Personnel Accounting and Control System (PACS) maintained by the state's Department of Administrative Services on July 1, 1986.

Another function of the division is promotion of communication and

exchange of information among judges, court support personnel and public and private judicial organizations. This objective is accomplished primarily through the production of a variety of informational publications including the *Georgia Courts Journal*, a bimonthly periodical which informs readers of changes in court procedure, judicial personnel appointments and elections, recent legislation, local and national court management activities and judicial process events.

The AOC prepared and distributed eight weekly issues of the *Judicial Legislative Log*, a digest of court-related legislation, to more than 800 judges, county officers and court administrative personnel. The *1985-86 Georgia Courts Directory*, which contains a listing of Georgia county, state and federal judicial branch officials, was provided at no cost to judicial branch personnel and was made available at cost to attorneys and other interested persons. The AOC produced the judiciary's *Twelfth Annual Report on the Work of the Georgia Courts* and coordinated almost 200 printing projects for the AOC and other judicial agencies. Eleven issues of the *Public Relations Digest* — abstracts of news and feature items about the judiciary — were compiled and circulated to Judicial Council members to gauge public opinion about court activities and to identify matters of concern to the council.

The AOC's research/court services division is responsible for gathering statistical, financial and other information on the judicial work of the courts in order to distinguish current and anticipated needs and to propose recommendations for improvement. Each year the primary research effort is aimed at supervising the collection of caseload and other data on the trial courts' work. Through a contractual arrangement with the judicial administrative districts, the AOC expended $67,100 on manual case counting in the superior, state, juvenile and probate courts. FY 1985 data submitted by district personnel was analyzed in terms of judicial workload and presented to the Judicial Council to formulate recommendations on the need for additional superior court and state court judgeships. The AOC prepared reports of district, circuit and county caseloads in response to individual requests for caseload information and compiled open caseload reports for the 45 superior court circuits for FY 1985. Following a Judicial Council determination to change the casecount period from a fiscal to a calendar year basis, the AOC amended its methodology accordingly.

AOC staff assisted in implementation of the first full year of operation of the magistrate court caseload reporting system by monitoring submission of case-count data mandated by the uniform magistrate court rules. The AOC designed software for computer-generated reports of magistrate court caseload, produced quarterly totals and distributed reports to each court.

In the first quarter of FY '86, the AOC applied for $23,650 in Justice Assistance Block Grant funds to finance a pilot case-by-case reporting system in Bartow, Fayette, Hall, Lumpkin, Pulaski and Rockdale counties. AOC staff, along with the Judicial Council's Weighted Caseload Committee, met with judges, district attorneys, clerks and court administrators representing the six counties in April of 1986 to decide on report formats, adopt project implementation procedures and approve the accompanying manual and forms. On-site training visits were conducted to familiarize county personnel with requirements of the project and staff remained available to troubleshoot later problems.

The AOC worked closely with the Weighted Caseload Committee in evaluating caseload weight standards. The research staff prepared studies to investigate the feasibility of various judge-year workload standards, threshold divisions and Delphi scales to look at alternative measures of recommending judgeships. In general, the committee adhered to established policy, but adjusted both the Delphi and ratio threshold weights used to estimate superior court judges' workloads and revised the percentages of domestic relations nonjury dispositions used in the Delphi weighted formula.

The AOC made plans to assist the Judicial Council in responding to legislatively assigned duties. Case processing procedures were solicited from counties employing standard policies on child abuse to later formulate suggested statewide protocols. U.S. and Georgia child support laws and other states were surveyed in an effort to eventually standardize child support collection procedures. The AOC performed preliminary research to draft objectives for the council's newly appointed Electronic Data Processing Committee.

Ongoing responsibilities in disseminating information were met throughout the fiscal year. The AOC conducted initial mail and follow-up telephone surveys of court officials for its annual salary survey and forwarded requested information on the results. Eleven records retention schedules drafted by the AOC were later approved by the State Records Committee to assist local officials in managing court records. Legislative tracking services were provided to trial court judges' councils during the 1986 session of the Georgia General Assembly to summarize proposed measures affecting their courts.

The AOC was called on to assist in revisions of uniform court rules and furnished support with the printing and distribution of suggested court forms. Technical assistance was given the Recorder's Court of LaGrange, Troup County, in transferring court support operations from the police department to the office of the court administrator. A study was also performed on the Recorder's Court of Gwinnett County to identify cost-effective measures which could be taken to deal with that court's burgeoning caseload.

In its capacity as secretariat for other judicial agencies, the AOC drafts organizational bylaws, schedules and records meetings and conducts special projects. During FY '86, the AOC worked on an update to the *Georgia Pro-*

bate Court Benchbook in conjunction with the Executive Probate Judges Council and provided assistance to the Board of Court Reporting in revising its handbook for court reporters, upgrading its testing procedures and reexamining its policy on court reporting fees. The AOC administratively supported the Council of Superior Court Judges' benchbook and jury charge committees in revising those guidebooks and tracking their use and in compiling the committees' FY '87 budgets.

Board of Court Reporting

The Board of Court Reporting operates under authority of the 1974 Georgia Court Reporting Act to assist the state's judiciary by insuring proficiency in the practice of court reporting and encouraging high standards of professionalism among reporting practitioners. The board also investigates complaints filed against court reporters and administers disciplinary action when warranted. The Judicial Council appoints board members and governs official court reporting fees through regulation and adjustment of an established fee schedule.

To guarantee a minimum proficiency level, the board certifies official and freelance court reporters by conducting two examinations each year. These consist of a skills test in one of three elected methods of takedown, including machine or manual shorthand or Stenomask. Reporters must pass the "B" test, which involves dictation, transcription and a written exam, to become certified. The optional "A" test provides certified reporters an opportunity to upgrade their professional status. Individuals who pass the initial examination submit a renewal fee by April 1 of each year to remain certified.

In July 1985, the board instituted faster dictation speeds for the exams, allowing anyone in process of testing two exam periods in which to pass the test at the slower speed. Persons initially testing in September 1985 were enrolled at the new speeds. At that time, 114 persons were tested at the "B" level; 46 opted for the newer speed and 68 chose to take the test at the former speed. Of these, 38 succeeded in passing the test and became "B" certified. Three reporters conditionally certified "with backup" upgraded their method of takedown to "without backup," and one person was certified in another method. Of 136 persons tested in March 1986, 127 took the "B" exam at both speeds, with 25 passing, and nine attended the "A" test, with four successfully completing it.

The board amended its rules regarding credit assigned for passing portions of the certification exam. Rather than requiring an applicant to pass two of three "B" test sections to receive credit for any of the sections, the board changed its policy to allow credit for single sections at time of passing. This new policy became effective with tests given in fiscal year 1987.

Another policy change permitted persons who have passed national proficiency exams to be certified at the state "B" level. By passing tests sponsored by the National Shorthand Reporters Association or the National Verbatim Stenomask Reporters Association, eight court reporters obtained a "B" certificate and were approved for practicing in Georgia. An additional four reporters, also as a result of national test scores, upgraded their "B" certificates to "without backup."

The board revoked 20 temporary board permits for failure to attend the certification test, 12 permits for failure to pass the exam in two testing periods and one permit for lack of a sponsor. (Board rules allow a sponsoring court reporter to withdraw sponsorship of a permit; the permit holder must then locate a new sponsor within 10 days or the permit is revoked.) The board also canceled the permits of two persons with temporary judicial permits, with permission of the issuing judges.

On May 1, 1986, following the April renewal deadline, the board suspended the certificates of 55 court reporters for nonpayment of annual renewal fees. Thirteen reporters later reinstated their certificates by payment of renewal and delinquent fees.

At the end of the fiscal year, there were 713 certified court reporters practicing in Georgia, up almost 6% from the previous year. At the same time, 64 persons were operating on temporary board permits and 13 reporters worked under temporary judicial permits. A total of 93 new temporary permits were issued during the year.

The board disposed of four formal complaints against court reporters in FY '86, three of which were pending from the previous year. One complaint was dismissed by the complainant prior to a hearing, and one was settled by agreement of the parties before a hearing occurred. Following a hearing on a third complaint, it was dismissed on the merits. One court reporter was found "not guilty" after a hearing on another complaint. None of the cases required disciplinary action by the board.

The Georgia Certified Court Reporter's Association, the profession's alliance for education and training, held one seminar in November 1985, which included presentations on the legislative process, uniform court rules and recommendations of the Governor's Judicial Process Review Commission. The association formed a committee to investigate the feasibility of mandatory education for court reporters, although no definitive action was taken.

The board's authority over the practice of verbatim reporting was clarified when, in June 1986, the State Attorney General issued an official opinion stating that, with the exception of official federal court reporters, the board may regulate verbatim reporting for use in the federal courts within the state.

Also during the year, a revision to the *Georgia Certified Court Reporter's Handbook*, containing updates to case law, statutes, opinions and rules, was published and distributed free of charge to all certified reporters and judges.

Council of Juvenile Court Judges

The Council of Juvenile Court Judges functions in line with OCGA § 15-11-4 to provide administrative consultation to courts exercising jurisdiction over juveniles, to research problems, to recommend legislation and to promulgate uniform rules. Accomplishments of fiscal year 1986 include implementation of the Uniform Rules for Juvenile Courts, operation of a statewide information system as authorized by the uniform rules and expansion and refinement of existing programs.

On July 1, 1985, the uniform rules of practice and procedure as required by the state's 1983 constitution became effective in Georgia's juvenile courts. Since introduction of the uniform rules and related recordkeeping forms created a need for training to ensure their proper implementation, council staff conducted six initial seminars to acquaint 450 juvenile court workers, clerks, Department of Family and Children Services officials and law enforcement officers with the rules, forms and new procedures. Subsequent training sessions were held in Carroll, Columbia, Fayette, Liberty, Stephens and Wilkes counties, reaching an additional 600 professionals. Council staff also participated in training seminars for clerks of juvenile and superior courts and for juvenile court treatment staff regarding changes brought about by the uniform rules. The council also created a standing committee to take action on revising or clarifying rules as needed.

The council's Purchase of Services for Juvenile Offenders program, funded by a grant from the Georgia Department of Community Affairs, furnishes funds for community-based services for children on probation to the juvenile court. In its seventh year of operation, the program makes funds available to local courts for a variety of alternatives to institutional treatment of juveniles. Court officials engage qualified local citizens to provide services in the following areas: restitution/community service, counseling and diagnostic testing, tutorial and remedial education, temporary housing, transportation and short-term therapeutic programs. The juvenile court judge determines which children to refer for services as well as the appropriate method of treatment.

In FY '86, 57 counties expended $205,490 under the purchase of services program. Statewide, 88 counties have contracted with the council to participate in the program. During the twelve-month period ending June 30, 1986, more than 1,600 children were referred to the program. The average amount spent on each individual was $123.57. Efforts were begun during the 1986 legislative session to obtain state funding for the administrative costs of this program.

Implementation and development of the Child Information and Record Tracking System (CIRTS) continued as a major focus of activity during FY '86. As of July 1, 1985, all juvenile courts in the state must use uniform docket and complaint forms and submit them to the council either as hard copy or by electronic means. In addition to Bartow, Cherokee, Clayton, Cobb, DeKalb, Fulton and the counties of the Ocmulgee Judicial Circuit, which are already operating computer linkups with the council, plans are underway for the expansion of the computerized system to Floyd, Newton, Richmond and Rockdale counties. Computer software designed for CIRTS was demonstrated and council staff responded to inquiries at the annual meeting of the National Council of Juvenile and Family Court Judges held in Pittsburgh, Pennsylvania in July 1985.

The Permanent Homes for Children project provides assistance to juvenile courts for the creation of judicial citizen review panels. These panels, made up of local citizens appointed by the juvenile court judge, examine the cases of children placed by the court in foster homes and make recommendations to the judge regarding action needed to return the child to his or her own home or to find a suitable permanent placement.

Eleven new panels were established in Clayton, Colquitt, Douglas, Glynn and Walton counties during the past fiscal year, bringing the total number of panels statewide to 41. Served by 400 volunteers, panels are now operating in 20 counties. Approximately 25% of all children affected by foster care receive regular review through the work of these panels. More than 33,000 hours of volunteer service go into this effort annually. An assistant program coordinator was hired to aid in the training of panel members, using funds obtained in 1985.

On November 8, 1985, the council, along with the National Council of Family and Juvenile Court Judges, sponsored a one-day conference in Atlanta for training judges, volunteers and caseworkers involved in permanency planning. More than 300 participants attended the meeting which featured speakers with expertise in the area of foster care.

A grant from the Department of Community Affairs subsidized five internships for juvenile courts during the year. Law student interns were placed through the council with the Douglas and Cobb county juvenile courts in March 1986. Internship placements for the summer months were made through the executive branch's Governor's Intern Program, with law students placed in Chatham, Clayton and Newton counties. These students became involved in all aspects of juvenile court operations, concentrating on providing direct services to children involved with the court.

A comprehensive revision of

statutes governing termination of parental rights (HB 175) recommended by the Council of Juvenile Court Judges was passed by the state legislature during the 1986 session. The new statute, which uses "clear and convincing evidence" as the standard of proof in termination cases in conformance with U.S. Supreme Court requirements, provides judges with specific factors to consider in determining whether a child is without proper parental care or control. It also specifies definite procedures for notification of the parties in termination cases and for placement of the child once parental rights have been severed. These changes clearly enumerated a number of factors judges must consider in determining whether termination of parental rights is warranted.

Other actions by the General Assembly affecting the juvenile courts include: HB 14, providing that a motion to discharge a juvenile convicted of a designated felony from the custody of the Division of Youth Services (DYS) of the Department of Human Resources may be made upon the expiration of one year of custody; SB 308, providing that a juvenile found to have committed a designated felony or one sentenced in superior court to the custody of DYS is eligible to participate in community-based programs and services sponsored by the youth development center; Senate and House resolutions creating separate study committees on the age of criminal responsibility; and Senate Resolution 330, proposing an amendment to the Georgia Constitution to authorize the General Assembly to create a state children's trust fund intended for prevention programs in the area of child abuse and neglect. This amendment was passed by voters in the November 1986 general election.

In partnership with the Division of Youth Services, the council continued sponsorship of the Joint Training Grant, a skills development training project for juvenile court personnel. Workshops sponsored by the project are offered at no cost to state and county employees of the juvenile courts. During FY '86, the joint training project offered 26 training sessions using the concept of networking, where employees of the division or courts having skills in a particular area donate their time and expertise in the training of other juvenile justice professionals. Seminars were attended by 781 juvenile court professionals, 400 of whom are DYS employees and others who are employees of independent juvenile courts or work directly with children referred to the courts. Presentations covered individual and group counseling techniques, the exceptional child, parenting techniques, counseling the status offender and treatment of sex offenders and victims.

The Council of Juvenile Court Judges consists of all judges of the courts exercising jurisdiction over juveniles. Membership on June 30, 1986, included 48 full or part-time juvenile court judges, 58 superior court judges exercising juvenile court jurisdiction, two judges pro tempore and 25 juvenile court referees. An executive director and a team of project professionals, along with administrative support personnel, serve as the council's staff. In addition to their program duties, staff members join with the council in attending yearly education seminars sponsored in the spring and fall by the Institute of Continuing Judicial Education.

Council of Superior Court Judges

All the state's superior court judges (127) and active senior superior court judges (33), comprise the Council of Superior Court Judges. The council's purpose and goals are to effectuate the constitutional and statutory responsibilities conferred upon it by law, to identify and seek solutions to problems common to all judges and to pursue matters of mutual interest in furthering the improvement of the administration of justice and the judiciary in Georgia.

During the past year through its 10 standing committees, the council continued work on its major projects, including updating the *Criminal Benchbook of the Georgia Superior Courts, Suggested Pattern Jury Instructions and the Uniform Rules for the Superior Courts.* Its members intensified their focus on maintaining and improving the quality of judicial training in designing and implementing the state's first mandatory continuing judicial education program for active and senior superior court judges. The program requires each judge sitting more than 29 days per year to participate in at least 12 hours of qualified educational activity annually. Judges must earn a minimum of two hours credit in judicial ethics biennially, and new judges must fulfill an initial requirement to attend an orientation course within their first 12 months of service. A total of 103 members participated in the fall 1985 seminar held at the Center for Continuing Education in Athens and 126 members attended the summer 1986 seminar in Savannah.

Additionally, the council studied and designed child support payment guidelines as mandated by the federal child support amendments of 1984 and strived to increase communication and improve cooperation with other branches of state government through its work with the Governor's Committee on Crime and Punishment, the Georgia Commission on Child Support and the Criminal Justice Coordinating Council.

Georgia Magistrate Courts Training Council

The Georgia Magistrate Courts Training Council supervises continuing judicial education requirements for magistrate court judges by prescribing minimum standards for curricula and criteria for magistrate training. Specifically, the council approves instructor qualifications and issues training certification to chief and associate magistrates who satisfactorily comply with established programs. Nonlawyer magistrates who are newly elected or appointed must attend the first scheduled certification course after assuming office and successfully complete 40 hours of basic training in the performance of their duties. In order to maintain certified status, all magistrates must fulfill an annual 20-hour training requirement.

In association with the council, the Institute of Continuing Judicial Education (ICJE) sponsored one 40-hour and seven 20-hour training sessions for magistrates during the 1986 calendar year. A total of 180 credit hours were administered in certifying 397 magistrate court judges.

Magistrates, attorneys, law professors, a superior court judge and ICJE's executive director served as instructors for the eight educational programs.

Magistrates attending the initial, 40-hour program participated in a variety of training modules, including lectures on civil and criminal procedure, historical role of the magistrate, ethical and administrative practices, legal research, traffic law and constitutional issues. Twenty-hour attendees received instruction in updates to civil and criminal procedure, evidence law, judicial ethics and dispute conciliation. All magistrate court judges were required to complete take-home examinations at the close of each day, with a final exam on the last day.

Participants paid a $125 tuition fee which entitled them to training materials and a selection of books of their own choosing from a list of alternative legal publications. Magistrates could also order a set of the unannotated code along with index, tables and latest supplement.

Attorney magistrates were able to claim 25 and 11.7 hours credit, respectively, for the 40-hour and 20-hour session toward mandatory continuing legal education. They were charged $1.25 per credit hour to compensate the Institute of Continuing Legal Education for administrative costs associated with the reciprocal training.

The council met twice during the year to review and administer its training policy. It determined that it would review on an individual basis any judge requesting special consideration when unable to attend training due to illness and that a doctor's affidavit is required. The council expressed to ICJE's board of trustees its support of allowing magistrates to be considered when funds for out-of-state training are allocated. Additionally, the council reaffirmed its policy of allowing magistrate court clerks to attend training courses at no cost only when space is available. The council also approved a National Judicial College program to be offered next calendar year for nonlawyer judges, which may be used as substitute credit for Georgia magistrate certification.

The Magistrate Courts Training Council was successful in achieving a 120% increase in its annual appropriation from the 1986 General Assembly. Its budget was raised from $17,412 in FY '86 to $38,334 in FY '87. Plans were made to use most of this increase to offset administrative costs associated with certification training.

Georgia Magistrate Courts Training Council
1986 Seminars

Date	Location	Hours	Attendees	No. Certified
April 2 - 4	Macon	20	59	59
April 30 - May 2	Tifton	20	58	58
May 27 - 29	Athens	20	61	61
June 2 - 6	Athens	40	30	30
June 18 - 20	Statesboro	20	44	44
September 3 - 5	Marietta	20	58	58
October 1 - 3	Athens	20	54	54
November 5 - 7	Athens	20	33	33

Institute of Continuing Judicial Education

The Institute of Continuing Judicial Education (ICJE) further expanded its annual calendar of training events during its 1985-86 program year with the addition of new courses and by increasing the frequency of scheduled offerings. The number of Institute-sponsored activities rose more than 50% to 37, while the number of persons served by these activities grew more than 20% to just over 1,900.

Three experimental ventures undertaken during FY '86 succeeded well enough to warrant their continuation in upcoming years. The first, a specialty course of topical emphasis open to judges from courts of all jurisdictions, focused on Georgia's bill of rights and the ascendency of state constitutional law in individual rights cases. It enhanced continuing judicial education's traditional legal scholarship effort by introducing the theme using a fresh subject. In the second experiment, ICJE conducted eight regional seminars for traffic court (usually municipal court) judges and clerks. The third activity — and the first training course for instructor judges — enabled 18 faculty serving in the basic and recertification courses for magistrates to learn about adult educational instructional design and course content development.

The Institute continued to draw on law faculty and trial judges as instructional resources. Faculty members of the law schools of Emory, Georgia State and Mercer universities and the University of Georgia provided valuable public service by providing instructional time to the Institute, demonstrating the benefits associated with the consortium approach to formal legal education's support of the state's continuing judicial education. Judges performed the bulk of instructional chores throughout the year, reemphasizing the collegial, peer enrichment character of the education program.

Superior court judges continued to perform a significant instructional role in statutorily mandated training for magistrates. At each regional seminar, a local superior court judge conducted the three-hour instructional block devoted to the past year's aspect of evidence law, hearsay and the use of exceptions to the hearsay rule.

Certain specially tailored instructional methods used in FY '86 brought favorable responses. Development of computer-assisted instruction on evidence law, involving individual or small group use of micro-computers in responding to preprogrammed problems, commenced. Another problem-driven evidence instructional program was specifically developed for use by juvenile court judges. An American Bar Association sponsored training activity focusing on lawyers' ethics for judges was a superior court judges' program feature that may be replicated. Similarly, a module of instruction on judicial writing first used with state court judges proved to merit wider use.

Both the 40-hour basic and the 20-hour recertification courses for magistrates were held with audiences again limited to not more than 60 participants. While necessitating a greater number of course offerings, the smaller groups facil-

Institute of Continuing Judicial Education
FY 1986 State-based Instructional Activities

Program	Location	Date	Attendees
Traffic Adjudication - Basic	Athens	July 14 - 16, 1985	40
40-Hour Basic Course for Magistrates	Athens	July 15 - 19, 1985	44
Summer Seminar for Superior Court Judges	Savannah	July 29 - 31, 1985	98
20-Hour Recertification Course for Magistrates	Macon	August 5 - 7, 1985	32
20-Hour Recertification Course for Magistrates	Marietta	August 28 - 30, 1985	37
Juvenile Court Judges Fall Seminar	Columbus	September 9 - 11, 1985	59
Independent Juvenile Court Probation Officers	Jekyll Island	September 11 - 13, 1985	85
Specialty Course: The Georgia Constitution's Bill of Rights	Unicoi	September 18 - 20, 1985	21
20-Hour Recertification Course for Magistrates	Athens	September 23 - 25, 1985	28
Traffic Adjudication - Basic	Statesboro	October 4, 1985	22
Municipal Court Judges Seminar	Unicoi	October 6 - 8, 1985	42
Traffic Adjudication - Basic	Americus	October 18, 1985	20
Traffic Adjudication - Basic	Bainbridge	October 25, 1985	16
State Court Judges Fall Seminar	Athens	October 28 - 29, 1985	19
Superior Court Judges Fall Seminar	Athens	October 30 - November 1, 1985	109
Annual Fall Seminar for Court Administrators	Athens	October 30 - November 1, 1985	24
Traffic Adjudication - Basic	Milledgeville	November 8, 1985	12
Annual Fall Seminar for Probate Court Judges	Savannah	November 13 - 15, 1985	98
Annual Fall Seminar for Clerks of Superior Court	Savannah	November 12 - 15, 1985	103

itated a more sound, thorough, and practical learning environment for attendees. Similarly, the training experience promoted regionalized execution of the curriculum, saving time and travel expense for all involved.

Mandatory continuing judicial education for superior court judges became effective midway through the program year. The Institute's executive director worked with the Council of Superior Court Judges in determining that twelve hours of training, including two hours of instruction in judicial ethics biennially, would be the minimum training standard for these judges.

The Institute's FY '86 state appropriation of $300,912 was augmented during the winter of 1985 by a $34,000 federal grant. The grant allowed ICJE to construct a basic training program for traffic court judges and clerks with the intention of conducting the program, after an initial test run, on a regional basis in six to eight locations throughout the state during the last six months of 1985. Funds for this experimental effort at local and regional programming were awarded to ICJE from the National Highway Traffic Safety Administration through the Governor's Office of Highway Safety.

Institute of Continuing Judicial Education
FY 1986 State-based Instructional Activities, con't

Program	Location	Date	Attendees
Traffic Adjudication - Basic	Waycross	November 15, 1985	14
Fall Corrections Program Tour	Macon	November 21 - 22, 1985	3
Traffic Adjudication - Basic	Rome	November 22, 1985	20
Traffic Adjudication - Basic	Athens	December 13, 1985	36
40-Hour Basic Course for Magistrates (Criminal)	Athens	February 3 - 5, 1986	15
Trial Judges' Secretaries Seminar	Savannah	March 5 - 7, 1986	81
Spring Corrections Program Tour	Macon	March 20 - 21, 1986	10
20-Hour Recertification Course for Magistrates	Macon	April 2 - 4, 1986	59
Juvenile Court Clerks Seminar	Macon	April 15 - 16, 1986	33
Spring Seminar for Superior Court Clerks	Macon	April 16 - 18, 1986	180
Spring Seminar for Probate Court Judges	Athens	April 16 - 18, 1986	161
Spring Seminar for Juvenile Court Judges	St. Simons Island	April 21 - 23, 1986	71
20-Hour Recertification Course for Magistrates	Tifton	April 30 - May 2, 1986	61
Independent Juvenile Court Probation Officers	Savannah	May 7 - 9, 1986	75
Spring Seminar for State Court Judges	St. Simons Island	May 21 - 23, 1986	29
20-Hour Recertification Course for Magistrates	Athens	May 27 - 29, 1986	61
40-Hour Basic Course for Magistrates (Civil)	Athens	June 2 - 4, 1986	28
20-Hour Recertification Course for Magistrates	Statesboro	June 18 - 20, 1986	47

The past year was the second full year in which the Institute operated with its own part-time bookkeeper/accounting assistant on staff, which enabled expenditure or encumbrance of most program and operating funds at year's end and avoided a negative balance. For the third straight year no mileage expenses were reimbursed to program participants due to insufficient funding to cover this attendance expense. Once again, no adverse impact on participation levels was observed by ICJE to result from this policy.

Of its two training orientations, state-based training comprises ICJE's foremost educational responsibility and by far consumes the largest share of resources. (The table on pages 33-34 lists the Institute's state-based activities conducted during the fiscal year and identifies the constituent group served, the course site, the date and the number of attendees for each program.) Of 62 applications received in 1985-86 for financial aid to attend nationally-based training, 52 were granted some level of funding (usually 80% of costs); 42 individuals actually took advantage of this assistance.

Members of the board of trustees of the Institute of Continuing Judicial Education primarily represent client groups of courts and judicial organizations in the state and include one judge of the Court of Appeals; two members of the Council of Superior Court Judges; one member each of the councils of state, juvenile, probate and magistrate court judges; one representative of the Superior Court Clerks Association; one member each of the State Bar of Georgia and the Judicial Council; and five ex officio members, including the immediate past chairmen of the Institute's board of trustees and the board of trustees of the Institute of Continuing Legal Education and the deans of the state's four accredited law schools. A liaison member representing the Supreme Court and an advisory member also serve on the board.

Judicial Nominating Commission

The Judicial Nominating Commission assists the governor with his duty to appoint highly qualified persons to judicial office by soliciting nominations for judgeships filled by gubernatorial selection. The nominating procedure is most often undertaken to fill judicial vacancies, although nominations may also be processed in designating candidates for newly created judgeships.

Certain qualifications must be met prior to consideration of any candidate for judicial office. While the requisites vary according to the type of court, most candidates must meet a residency and age requirement. Judges of appellate and superior courts must have maintained an active membership in the state bar for seven years, and state and juvenile court judges must be admitted to practice law in the state for at least five years. Qualifications for all judges are specified either in the state constitution or in pertinent statutes.

The commission begins the selection process by seeking nominations from local individuals or leaders among the civic and legal communities. The commission members evaluate each candidate based on a questionnaire concerning his or her qualifications and a legal article or brief which the candidate has authored. The nominees are then investigated through interviews with attorneys familiar with them and by personally interviewing the candidates themselves.

Originally created by executive order of former Governor Jimmy Carter and continued in the same manner by succeeding governors, the commission is composed of 10 members. Five are persons appointed to serve a term concurrent with that of the governor, and the other five are or have been elected officers of the state bar, including the president, two successive past presidents and the president-elect and president of the younger lawyers section.

The nominating body met seven times in FY '86 to consider candidates for 12 vacancies and new judgeships, including one vacancy each on the Supreme Court and Court of Appeals, two vacancies and four new judgeships for the superior courts and four vacancies for the state courts. Since 1973, the commission has acted on a total of 149 judgeships, including 10 Supreme Court vacancies, 12 Court of Appeals vacancies, 92 superior court judicial positions, 33 state court posts and two municipal court judgeships.

Judicial Qualifications Commission

As authorized by the state constitution, the Judicial Qualifications Commission, which has been operating since 1973, responds to queries regarding appropriate judicial conduct, directs investigations in response to complaints involving members of Georgia's judiciary, and, when it deems such action to be warranted, holds hearings regarding allegations of judicial misconduct. After an investigation, the commission may recommend to the Supreme Court the removal, discipline or retirement of a judge. The Supreme Court makes the final decision about whether to accept, reject or modify the commission's recommendation regarding a particular judge.

Allegations of misconduct or complaints against judges must be based on one of the seven canons of the Code of Judicial Conduct, effective March 15, 1984. The grounds on which a judge may be disciplined or removed or retired from office include:

1) willful misconduct in office
2) willful and persistent failure to perform duties
3) habitual intemperance
4) conduct prejudical to the administration of justice which brings the judicial office into disrepute
5) disability which seriously interferes with the performance of judicial duties and which is or is likely to become permanent.

A 1985 amendment to the state constitution further provides that a judge who has been indicted for a felony may be suspended from office, pending final disposition of the case or until expiration of the term of office, whichever occurs first, if the commission deems that such indictment relates to and adversely affects the judge's performance of official duties.

During fiscal year 1986 at its 10 regular meetings, the commission concluded 115 cases; 13 were deferred until FY '87. Of the 128 complaints and requests for opinions brought before the commission, 112 were introduced during FY '86 and 16 were pending from the previous year. Ninety-one complaints were terminated for the following reasons:

a) frivolous, unfounded, unsupported or inappropriate for appeal	79
b) judge privately censured or reprimanded	7
c) no jurisdiction	2
d) judge resigned after formal charges filed	1
e) judge resigned before formal charges filed	1
f) judge suspended after indictment	1

One formal proceeding was settled on the day set for hearing when the judge elected to resign. This year, for the first time, the commission suspended a judge pending disposition of an indictment under Article 6, Section 7, Paragraph 7(b) of the constitution. In another case, a judge resigned upon receiving notice of the commission's intent to suspend for an indictment.

In addition, the commission rendered 15 formal opinions (see synopses right) and seven informal opinions and denied two requests for opinions.

The commission also issued a brochure explaining its function, jurisdiction and procedures, which was distributed to superior and state court clerks and is available to the public. The commission also made available a simple form for those wishing to file complaints. *The Code of Judicial Conduct* and *The Rules of the Judicial Qualifications Commission* are other publications available from the commission.

The seven-member Judicial Qualifications Commission includes two judges of courts of record appointed by the Supreme Court, three attorneys appointed by the Board of Governors of the State Bar, and two citizen members appointed by the governor. According to the rules of the commission, judges are the only members who may also hold public office and no member is permitted to hold office in any political party or organization.

Synopses of FY 1986 JQC Opinions

- *Opinion 71:* An administrative judge of the Workers' Compensation Board is not per se disqualified to consider cases where (1) medical bills from hospitals owned by her husband's employer are in dispute or (2) where her husband's employer is being sued by an employee to recover worker's compensation; however, this does not mean that disqualification may not be required by other circumstances which may also exist in a particular situation.
- *Opinion 72:* Unless other circumstances exist which might reasonably cause his impartiality to be questioned, a judge is not automatically required to disqualify himself because his wife works for the Legal Aid Society and the attorney for a party is from an office of Legal Aid.
- *Opinion 73:* A judge may serve on an Advisory Committee of Citizens for Better Libraries, but should exercise care to be sure that his name as a committee member is not used in the solicitation of funds for the organization, which would violate Canon 5B(2).
- *Opinion 74:* A judge should not permit the use of his name or his personal stationery to solicit registrants for a travel tour, but he may serve as a lecturer or speaker or officer of the organization promoting the tour so long as he does not participate in, or permit the use of his name in, the solicitation of registrants.
- *Opinion 75:* The Code of Judicial Conduct, as amended effective March 15, 1984, no longer contains any prohibition against a judge becoming a candidate for political office while retaining his judicial position.
- *Opinion 76:* A judge who is a stockholder of a bank would be disqualified in any case in which the bank is a party (1) from signing a nisi order which only set the matter for hearing, or which included emergency relief, such as a temporary restraining order, or (2) from signing uncontested orders such as consent or default judgments, or (3) from hearing a contested matter where an office of the bank other than the local office is the party involved.
- *Opinion 77:* It is inappropriate for an active judge to serve as a class representative in class action litigation.
- *Opinion 78:* It would not be appropriate for a judge to co-sign a letter urging the adoption of a mandatory assessment/treatment program in Georgia for persons convicted of driving under the influence of drugs or alcohol.
- *Opinion 79:* An agreement under which a corporation that sells bottled water, in which a judge was a stockholder, that would compensate a lawyer who practiced in his court for legal services through payment of a royalty fee on the amount of water sold would involve an unavoidable risk of an appearance of impropriety.
- *Opinion 80:* The term "other fiduciaries" as used in Canon 5D includes a power of attorney under which the judge could act only if the grantor should be declared mentally incompetent, and long friendship with the grantor would not justify a judge in accepting such a fiduciary responsibility, which is allowable only in the case of family members.
- *Opinion 81:* It would not be inappropriate for a judge to attend or to contribute to a dinner of the Anti-Defamation League of B'nai B'rith honoring the Speaker of the Georgia House of Representatives with the "Torch of Liberty Award."
- *Opinion 82:* First, Canon 7B, by its terms, applies only to candidates in contested public elections and not to candidates for judicial appointment. Second, while Canon 4B authorizes judges to speak concerning the law, the legal system and the administration of justice, it is always inappropriate for a judicial officer or a candidate to answer questions that are intended to or will have the effect of committing him with respect to questions that may come before him as a judge, and thereby deprive him of the impartiality with which it is necessary for him to perform his judicial duties.
- *Opinion 83:* A judge who is a candidate for reelection can (1) accept a complimentary ticket and attend a political party function and (2) buy a ticket and attend if the price of the ticket is adjusted to cover only the cost of a meal and not any contribution to the political party.
- *Opinion 84:* A judge is not automatically required to disqualify himself because his wife's first cousin is a party to a proceeding before him.
- *Opinion 85:* It is not inappropriate for a judicial candidate to be informed as to the names of those who have contributed to his campaign or the amounts contributed, nor is it inappropriate for him to acknowledge such contributions.

Superior Courts Sentence Review Panel

Although total inmate sentencing appeals rose 26%* to 2,531 cases in fiscal year 1986, the actual number of cases evaluated by the Superior Courts Sentence Review Panel decreased 18% to 1,836. It was the second consecutive year that a negative change in the number of reviewable cases occurred. The majority of the almost 700 applications not actually reviewed by the panel were dismissed for not falling within the panel's filing deadline requirements. Of the 1,836 cases examined, 1,769 sentences were affirmed and 67 were reduced.

The cumulative reduction rate for cases reviewed since the panel's inception (July 1, 1974) decreased further to 5.71% in the last quarter of FY '86. The reduction rate for the year — 3.65% — was the lowest since FY '83 when it was 3.60%, the smallest in the history of the panel.

Cases subject to review by the Sentence Review Panel are those sentences totaling five or more years set by a superior court judge without a jury. Exceptions to the panel's jurisdiction include sentences set in misdemeanor cases, cases in which the death penalty has been imposed and murder cases where a life sentence has been applied.

In evaluating sentences, the panel seeks to determine whether the sentence imposed by the trial judge was excessive. Consideration is given to the nature of the crime for which the defendant was convicted and to the defendant's prior criminal record. While it is empowered to reduce sentences, the panel is prohibited by law from increasing punishments, reducing sentences to probation or suspending any sentence.

The Sentence Review Panel meets in two concurrent panels, each composed of three superior court judges. Panel members are appointed and chairpersons are designated by the president of the Council of Superior Court Judges to serve three-month terms. A supernumerary member is also appointed for each term and is authorized to substitute for any member who cannot attend a meeting or who is disqualified.

An administrative board of three judges serves to maintain continuity between the various panels. The board prepares an annual budget, considers revisions to the panel's procedural rules and supervises the activities of the clerk and support staff.

Listed below is a summary of the panel's caseload for FY '86 along with a 10-year comparison of cases reviewed by the panel.

* Almost half of this increase was due to a change in panel rules concerning dismissals.

Superior Courts Sentence Review Panel Caseload Summary

FY 1986 Caseload

	Cases affirmed	Cases reduced	Cases reviewed	Percent reduced
Panel 45	475	13	488	2.66
Panel 46	458	14	472	2.97
Panel 47	407	11	418	2.63
Panel 48	429	29	458	6.33
Total	1,769	67	1,836	3.65

10-year Comparison of Cases Reviewed

	Cases affirmed	Cases reduced	Percent reduced
FY 1977	955	80	7.73
FY 1978	1,123	67	5.63
FY 1979	1,134	101	8.18
FY 1980	1,228	90	6.83
FY 1981	1,542	145	8.60
FY 1982	1,846	136	6.86
FY 1983	2,359	88	3.60
FY 1984	2,335	119	4.85
FY 1985	2,137	100	4.47
FY 1986	1,769	67	3.65

Appendix 1

Judicial Personnel Changes: FY 1985

Elections

Probate Courts

Crisp County
Belinda F. Griffin for term 10/30/85-1/1/89.

Heard County
Emmett Harrod for term 5/21/86-1/1/89.

Spalding County
DeWitt Simonton, Jr. for term 12/4/85-1/1/89.

Appointments

Supreme Court

Willis B. Hunt, Jr. for term 4/9/86-1/1/87.

Superior Courts

Atlanta Judicial Circuit
William H. Alexander for term 7/8/85-1/1/87.

Clayton Judicial Circuit
Kenneth Kilpatrick for term 8/27/85-1/1/87.

Dougherty Judicial Circuit
Loring A. Gray, Jr. for term 1/21/86-1/1/87.

Houston Judicial Circuit
L. A. McConnell, Jr. for term 7/2/85-1/1/87.
George F. Nunn, Jr. for term 6/3/86-1/1/89.

Lookout Mountain Judicial Circuit
Jon Bolling Wood for term 7/8/85-1/1/87.

State Courts

Clarke County
Kent Lawrence for term 11/25/85-1/1/87.

DeKalb County
Jack M. McLaughlin for term 7/8/85-12/31/86.

Fulton County
Jerry W. Baxter for term 9/26/85-1/1/87.

Houston County
Robert M. Richardson for term 9/18/85-1/1/87.

Jenkins County
William E. Woodrum, Jr. for term 6/3/86-1/1/87.

Juvenile Courts

Cobb County
Wayne Phillips for term 7/1/85-6/30/91.

DeKalb County
Madeline S. Griffin for term 4/4/86-4/3/90.

Griffin Judicial Circuit
A. Ronald Cook for term 5/20/86-6/30/88.

Probate Courts

Gwinnett County
Sue T. Williams for term 9/1/85-1/1/87.

Analysis of Statewide Judicial Manpower (July 1, 1985 to June 30, 1986

Court	Total number judgeships[1]	Method of selection: Elected	Method of selection: Appointed	Method of selection: New judgeship	Method of selection: Total judges beginning first terms	Reason for leaving: Resigned	Reason for leaving: Died	Reason for leaving: Total judges leaving the bench[2]
Supreme Court	7	-	1	-	1	1	-	1
Court of Appeals	9	-	-	-	0	-	-	0
Superior Courts	131[3]	-	3	3	6	3	-	3
State Courts (Full and part-time)	79	-	4	1	5	2	2	4
Juvenile Courts (Full and part-time)	51	-	3	-	3	2	1	3
Probate Courts	159	3	1	-	4	3	1	4

[1] As of June 30, 1996.

[2] Total number of judges leaving the bench does not match total number of new judges in some instances because of new appointments or vacancies which existed at the end of the fiscal year.

[3] Although 131 superior court judgeships had been allocated by the end of the year, 127 had been filled.

Appendix 2

Judicial Agencies Directory

Judicial Council of Georgia

Chief Justice Harold N. Hill, Jr.[1]
Chairman
Supreme Court
Atlanta

Chief Justice Thomas O. Marshall [1]
Vice chairman
Supreme Court
Atlanta

Presiding Justice Harold G. Clarke [1]
Vice chairman
Supreme Court
Atlanta

Judge Henry A. Baker
President
Council of Probate Court Judges
Covington

Chief Judge Harold R. Banke
Court of Appeals
Atlanta

Judge Hal Bell
Administrative Judge
Third District
Macon

Presiding Judge A. W. Birdsong, Jr.
Court of Appeals
Atlanta

Judge Perry Brannen, Jr.[2]
Administrative Judge
First District
Savannah

Judge A. Wallace Cato [3]
Administrative Judge
Second District
Bainbridge

Judge George R. Ellis, Jr.
President
Council of State Court Judges
Americus

Judge William M. Fleming, Jr.
Administrative Judge
Tenth District
Augusta

Judge J. Mike Greene
First vice president
Council of Probate Court Judges
Gray

Judge George W. Harris
President
Council of Magistrate Court Judges
Fort Valley

Judge George A. Horkan, Jr.[3]
Administrative Judge
Second District
Moultrie

Judge John S. Langford
Administrative Judge
Fifth District
Atlanta

Judge Hugh Lawson
President
Council of Superior Court Judges
Hawkinsville

Judge Walter C. McMillan, Jr.
Administrative Judge
Eighth District
Sandersville

Judge Charles A. Pannell, Jr.
Administrative Judge
Ninth District
Dalton

Judge Wayne Phillips
First vice president
Council of Magistrate Court Judges
Marietta

Judge R. Edward Reddick, Jr.
President-elect
Council of State Court Judges
Springfield

Judge Marvin W. Sorrells
President-elect
Council of Juvenile Court Judges
Monroe

Judge Robert B. Struble
President-elect
Council of Superior Court Judges
Toccoa

Judge A. Blenn Taylor, Jr.[2]
Administrative Judge
First District
Savannah

Judge Curtis V. Tillman
Administrative Judge
Fourth District
Decatur

Judge David J. Turner, Jr.
President
Council of Juvenile Court Judges
Manchester

Judge Andrew J. Whalen, Jr.
Administrative Judge
Sixth District
Griffin

Judge Jere F. White
Administrative Judge
Seventh District
Cartersville

[1] Justice Marshall replaced Chief Justice Hill as council chairman upon Hill's retirement from the Supreme Court in March 1986. At the same time, Justice Clarke replaced Marshall as presiding justice.
[2] Judge Brannen took Judge Taylor's place on the council when Judge Taylor was elected secretary-treasurer of the Council of Superior Court Judges.
[3] Judge Cato replaced Judge Horkan as administrative judge of the second district in June 1986.

Board of Court Reporting

Judge Ben J. Miller [4]
Chairperson
Superior Courts
Griffin Judicial Circuit
Griffin

Robert M. Brinson [4]
Chairperson
Attorney
Rome

Lounell B. Day
Vice chairperson
Official court reporter
Tifton

Robert L. Doss, Jr.
Secretary
Administrative Office of the Courts
Atlanta

Hazel S. Campbell
Official court reporter
Dalton

Raymond E. Campbell
Official court reporter
Columbus

Frank Childs
Attorney
Macon

Danny Sayer
Court reporter
Douglas

[4] Mr. Brinson was elected chairperson to replace Judge Miller on November 7, 1985.

Council of Juvenile Court Judges

Judge David J. Turner, Jr.
President
Meriwether County
Manchester

Judge Virgil Costley, Jr.
Immediate past president
Newton County
Covington

Judge Marvin W. Sorrells
President-elect
Walton County
Monroe

Judge Clinton O. Pearson
Vice president
Glynn County
Brunswick

Judge T. Jefferson Loftiss, II
Secretary
Thomas County
Thomasville

Judge Herbert L. Wells
Treasurer
Houston County
Perry

Council of Superior Court Judges

Judge Hugh Lawson
President
Oconee Judicial Circuit
Hawkinsville

Judge Robert B. Struble
President-elect
Mountain Judicial Circuit
Toccoa

Judge A. Wallace Cato [5]
Immediate past president
South Georgia Judicial Circuit
Bainbridge

Senior Judge Hal Bell
District 3
Macon Judicial Circuit
Macon

Judge William M. Fleming, Jr.
District 10
Augusta Judicial Circuit
Augusta

Judge George A. Horkan, Jr.[5]
District 2
Southern Judicial Circuit
Moultrie

Judge John S. Langford
District 5
Atlanta Judicial Circuit
Atlanta

Judge Walter C. McMillan, Jr.
District 8
Middle Judicial Circuit
Sandersville

Judge A. Blenn Taylor, Jr.[6]
Secretary-Treasurer
Brunswick Judicial Circuit
Brunswick

Judge Charles A. Pannell, Jr.
District 9
Conasauga Judicial Circuit
Dalton

Judge Perry Brannen, Jr.[6]
District 1
Eastern Judicial Circuit
Savannah

Judge Curtis V. Tillman
District 4
Stone Mountain Judicial Circuit
Decatur

Judge Andrew J. Whalen, Jr.
District 6
Griffin Judicial Circuit
Griffin

Judge Jere F. White
District 7
Cherokee Judicial Circuit
Cartersville

[5] Judge Cato replaced Judge Horkan as administrative judge of the second district in June 1986.
[6] Judge Brannen replaced Judge Taylor as administrative judge of the first district in July 1985.

Georgia Magistrate Courts Training Council

Judge Johnny W. Warren
Chairman
Laurens County
Dublin

Judge William J. Jenkins, Jr.
Vice chairman
Cobb County
Marietta

Robert L. Doss, Jr.
Ex officio secretary
Administrative Office of the Courts
Atlanta

Judge Chester L. Gunby
Baldwin County
Milledgeville

Judge George W. Harris
Peach County
Fort Valley

Judge LaVerne C. Ogletree
Greene County
Greensboro

Institute of Continuing Judicial Education

Judge Andrew J. Whalen, Jr.
Chairman
Superior Courts
Griffin Judicial Circuit
Griffin

Dean J. Ralph Beaird
Vice chairman
School of Law
University of Georgia
Athens

Judge Frank M. Eldridge
Secretary-Treasurer
Superior Court
Atlanta Judicial Circuit
Atlanta

Judge Emmett J. Arnold, III
State Court of Clayton County
Jonesboro

Richard Y. Bradley [7]
Past president
State Bar of Georgia
Columbus

Dean David Epstein
School of Law
Emory University
Atlanta

Duross Fitzpatrick [7]
Past president
State Bar of Georgia
Cochran

Judge Martha K. Glaze
Juvenile Court of Clayton County
Jonesboro

Judge W. Marion Guess, Jr.
Probate Court of DeKalb County
Decatur

Zadie B. King
Clerk of Superior Court
Decatur County
Bainbridge

Dean Ray Lanier
School of Law
Georgia State University
Atlanta

Judge Wayne Phillips
Magistrate Court of Cobb County
Marietta

Judge Dorothy A. Robinson
Superior Court
Cobb Judicial Circuit
Marietta

Judge John W. Sognier
Court of Appeals
Atlanta

J. Douglas Stewart
Past president
State Bar of Georgia
Gainesville

Dean Karl P. Warden
School of Law
Mercer University
Macon

A. Gus Cleveland
Advisory member
Atlanta

Justice George T. Smith
Liaison member
Supreme Court
Atlanta

[7] Mr. Bradley replaced Mr. Fitzpatrick upon the latter's appointment to the U.S. District Court bench.

Judicial Nominating Commission

A. Gus Cleveland, Jr.
Chairman
Atlanta

George W. Felker, III
Monroe

Jane Guthman Kahn
Savannah

Judge Herbert E. Phipps [8]
Magistrate Court of Dougherty County
Albany

Judge Romae T. Powell
Juvenile Court of Fulton County
Atlanta

John H. Ruffin, Jr.[8]
Augusta

Jule W. Felton, Jr.[9]
President
State Bar of Georgia
Atlanta

Robert M. Brinson [9]
President-elect
State Bar of Georgia
Rome

Duross Fitzpatrick [10]
Immediate past president
State Bar of Georgia
Cochran

Richard Y. Bradley [9]
Next immediate past president
State Bar of Georgia
Columbus

Frank Love, Jr.[10]
Past president
State Bar of Georgia
Atlanta

J. Littleton Glover, Jr.[11]
President-elect
State Bar of Georgia
Newnan

William D. Barwick [9]
Immediate past president
Younger Lawyers Section
State Bar of Georgia
Atlanta

S. David Smith, Jr.[11]
Immediate past president
Younger Lawyers Section
State Bar of Georgia
Atlanta

[8] Judge Phipps replaced Mr. Ruffin on the commission upon the latter's resignation in the spring of 1986.
[9] Mr. Bradley and Mr. Barwick rotated off the commission upon the election of new officers of the bar. Mr. Brinson became president, Mr. Felton became immediate past president and Mr. Fitzpatrick became next immediate past president.
[10] Mr. Love took Mr. Fitzpatrick's slot on the commission upon the latter's appointment to the U.S. District Court in 1986.
[11] Mr. Glover and Mr. Smith joined the commission in June 1986.

Judicial Qualifications Commission

Judge J. Taylor Phillips
Chairman
State Court of Bibb County
Macon

Ed Voyles
Vice chairman
Marietta

Barbara L. Carter, Ph.D.
Atlanta

Harry L. Cashin, Jr.
Attorney
Atlanta

Robert H. Jordan
Attorney
Talbotton

Will Ed Smith
Attorney
Eastman

Judge Robert B. Struble
Superior Courts
Mountain Judicial Circuit
Toccoa

Superior Courts Sentence Review Panel

Administrative board

Judge Luther Alverson
Chairman
Atlanta Judicial Circuit
Atlanta

Judge James Barrow
Western Judicial Circuit
Athens

Judge Jere F. White
Cherokee Judicial Circuit
Cartersville

Panel 45/1

Judge Faye Sanders Martin
Chairman
Ogeechee Judicial Circuit
Statesboro

Judge E. Mullins Whisnant
Chattahoochee Judicial Circuit
Columbus

Judge Joseph E. Loggins
Lookout Mountain Judicial Circuit
Summerville

Panel 45/2

Judge Hugh P. Thompson
Chairman
Ocmulgee Judicial Circuit
Eatonton

Judge Ralph H. Hicks
Atlanta Judicial Circuit
Atlanta

Judge Watson White
Cobb Judicial Circuit
Marietta

Supernumerary for Panel 45

Judge Franklin H. Pierce
Augusta Judicial Circuit
Augusta

Panel 46/1

Judge Tom Pope
Chairman
Cherokee Judicial Circuit
Calhoun

Judge Elie L. Holton
Waycross Judicial Circuit
Douglas

Judge Clarence F. Seeliger
Stone Mountain Judicial Circuit
Decatur

Panel 46/2

Judge E. Purnell Davis, II
Chairman
Toombs Judicial Circuit
Warrenton

Judge Tom Cauthorn
Cobb Judicial Circuit
Marietta

Judge Charles A. Pannell, Jr.
Conasauga Judicial Circuit
Dalton

Supernumerary for Panel 46

Judge Dubignion Douglas
Dublin Judicial Circuit
Dublin

Panel 47/1

Judge Robert G. Walther
Chairman
Rome Judicial Circuit
Rome

Judge Don A. Langham
Atlanta Judicial Circuit
Atlanta

Judge Dewey Smith
Coweta Judicial Circuit
Carrollton

Panel 47/2

Judge Albert Pickett
Chairman
Augusta Judicial Circuit
Augusta

Judge Carol Hunstein
Stone Mountain Judicial Circuit
Decatur

Judge William A. Prior, Jr.
Ocmulgee Judicial Circuit
Madison

Supernumerary for Panel 47

Judge Clarence D. Blount
Waycross Judicial Circuit
Waycross

Panel 48/1

Judge George H. Bryant
Chairman
Northern Judicial Circuit
Hartwell

Judge Philip F. Etheridge
Atlanta Judicial Circuit
Atlanta

Judge J. D. Smith
Northeastern Judicial Circuit
Gainesville

Panel 48/2

Judge G. Mallon Faircloth
Chairman
Cordele Judicial Circuit
Cordele

Judge Daniel M. Coursey, Jr.
Stone Mountain Judicial Circuit
Decatur

Judge Frank C. Mills, III
Blue Ridge Judicial Circuit
Canton

Supernumerary for Panel 48

Judge G. Grant Brantley
Cobb Judicial Circuit
Marietta

Appendix 3

Recommendations of the Governor's Judicial Process Review Commission

(These recommendations are reprinted from *Justice 2000* for the information of our readers and do not necessarily reflect policy positions of either the Judicial Council of Georgia or the Administrative Office of the Courts.)

I. Judicial Selection, Tenure, Qualifications, Education, Compensation and Retirement

Judicial Election v. Appointment

1. Article VI, Section VII, Paragraph I, of the constitution should be amended to read as follows:

   "Paragraph I. Appointment; Election; Term of Office.
   All judicial vacancies on the Supreme Court, the Court of Appeals, the superior courts and the state courts, including vacancies occurring by reason of an incumbent's not choosing to offer for reelection and any new judicial positions on these courts which may be created in the future, shall be filled by appointment of the governor. Each person thus appointed shall serve until a successor is duly elected and qualified and until January 1 of the year following the next general election which is more than one year after such person's appointment. Thereafter all such judicial officers shall be elected on a nonpartisan basis. All justices and judges elected as provided herein shall have terms of six years. The terms of all justices and judges thus elected shall begin the next January 1 after their election. All other judges shall continue to be selected in the manner and for the term they were selected on June 30, 1983, until otherwise provided by law."

Judicial Nominating Commission

2. The status of the Judicial Nominating Commission, selected in the same manner and having the same powers as now prescribed by executive order, should be confirmed by constitutional amendment or by executive orders of subsequent governors.

Nonpartisan Elections

3. The present law requiring nonpartisan elections for certain judges should be extended to include all elections of all judges, i.e., to include elections of probate judges (except where the judge is the governing authority of a county) and magistrates (in those cases where elected).

Full-time v. Part-time Judgeships

4. Ultimately there should be no part-time judges or prosecutors in the courts of Georgia. It is recognized by the commission that until the full merger takes place (a subsequent recommendation), assistant magistrates and probate judges in most counties would be non-lawyers and serve part-time.
5. As a long range goal, all judges, including probate and magistrate court judges, should be persons admitted to practice law.
6. In the short term, where this qualification is not feasible, the General Assembly should require and fully fund ample training in the law and procedure to insure that such judges are enabled to render justice in the matters which come before them.

Judicial Education

7. All judges and prosecuting attorneys of all classes of courts should be required to complete satisfactorily specified courses in basic judicial and prosecutorial education during their first twelve months in office, and thereafter specified annual education and training appropriate to each particular court and position. The quality, content and methods relative to all mandatory training (excepting prosecutorial training) shall be established by rule of each class of court.

Judicial Compensation and Retirement

8. County supplements for superior court judges may be authorized consistent with cost-of-living differences and other factors. Salaries for appellate court judges should exceed those paid to trial judges, supplements included.
9. Careers in the judiciary should be encouraged by the adoption of a retirement system which would permit one moving from one judicial office to another, or from the office of public prosecutor to a judicial office, to transfer appropriate retirement credits from one of the present retirement systems to another. The amount of credit which it would be appropriate to transfer should be determined after professional actuarial studies designed to keep each of the respective retirement systems actuarily and financially sound. The long term goal should be a single, unified judicial retirement system for all judges and prosecuting attorneys.

II. Court Organization and Structure

Appellate Courts

10. The Supreme Court. Article VI, Section VI, Paragraph II of the constitution should be amended to read:

    "The Supreme Court shall be a court of review of cases from the Court of Appeals, the superior courts, the state courts and the juvenile courts, and shall have exclusive jurisdiction in the following cases:

    "(1) Cases decided by or pending in the Court of Appeals which are of gravity or great public importance may be reviewed by certiorari;
    "(2) Questions of law certified to it by the Court of Appeals or a state or federal appellate court may be answered pursuant to rules adopted by the court;
    "(3) Cases in which a state statute has been declared unconstitutional and void;
    "(4) Cases contesting election to public office;
    "(5) Cases in which a writ of quo warranto or prohibition has been issued;
    "(6) Cases in which a sentence of death was or may be imposed;
    "(7) Habeas corpus cases in which a sentence of death is an issue.

    "Review of all cases shall be as provided by this constitution or by law, or in absence thereof by rule of court."
11. The Court of Appeals. Jurisdiction of the Court of Appeals would extend to all other cases. The General Assembly should add a panel of three judges to the Court of Appeals so that the Court of Appeals would consist of 12 judges. Because of the extremely high caseload of the Court of Appeals, three judges should be added whether or not the Supreme Court's jurisdiction is changed.

    Prior to the implementation of the two recommendations concerning the Supreme Court and the Court of Appeals, a judicial impact study should be conducted to determine the impact upon the Court of Appeals through the

narrowing of the jurisdiction of the Supreme Court, i.e., will there be an increased caseload burden per judge of the Court of Appeals despite the additional three-judge panel?

Superior Courts

12. The Superior Court. The constitution of the State of Georgia should be amended to delete all references to state and juvenile courts, and all current functions and jurisdictions of these courts, including the trial of misdemeanors, should be transferred to the superior court. In the trial of misdemeanors, the jury shall be composed of six jurors selected from a panel of 12. The juvenile court shall be created as and function as a division of the superior court, such division to retain all the jurisdiction of the present juvenile court with the possible addition of child custody, divorce, division of property and alimony assigned to that division. In all circuits wherein an established population and/or caseload threshold is reached, the creation of a judgeship(s) devoted, insofar as possible, to the hearing of juvenile cases, shall occur. Such judgeship(s) shall be designated as a superior court judge, juvenile division, and shall be filled in the same manner as all other superior court judgeships. Any judge(s) who hears juvenile cases shall be specially trained and committed to the duty of hearing juvenile cases on an exclusive basis insofar as possible.

    In all counties exceeding 100,000 in population, the judge of the probate court shall become a superior court judge, probate division, and such judgeship shall be filled in the same manner as all other superior court judgeships. A probate division shall be created and incumbents shall run for the seat of superior court judge, probate division. All probate matters (wills, estates and guardianship) shall be transferred to the superior court in those affected counties.

Probate and Magistrate Courts

13. The Probate Courts. In counties over 100,000, the probate court shall merge into the superior court (see previous recommendation).

    In *all other* counties, probate courts shall retain their current jurisdiction, including traffic and game and fish jurisdiction where it currently rests in the probate court. There shall be no jury trials in the probate courts. If a demand for a jury trial is made in an estate or will contest, the case shall be transferred to the superior court. Appeals from the probate court shall be on the record and there shall be no *de novo* appeals.

14. The Magistrate Courts. Magistrate courts should be retained as county-level courts or circuitwide courts where county population is insufficient to support such a court. Its jurisdiction shall include:

    (1) All civil cases involving claims of no more than $5,000 except for those cases which are exclusively in the superior court;
    (2) County ordinance violations;
    (3) Issuance of warrants;
    (4) Disposition of traffic and game and fish cases except where such jurisdiction currently rests with the probate court;
    (5) Holding preliminary hearings in criminal matters to determine probable cause; and
    (6) Receiving pleas of guilty in misdemeanors.

    The magistrate court will have authority to bind over certain misdemeanors to the superior court and any misdemeanor in which the defendant pleaded not guilty shall go to the superior court. There shall be no jury trials in the magistrate court. An appeal from a civil judgment in the magistrate court shall be *de novo* to the superior court. (Note: Further study on the effect of this provision, as well as the effect on elimination of *de novo* appeals from

probate courts, may result in a recommendation to the General Assembly to eliminate *de novo* appeals in the magistrate courts.) There shall be no countywide courts of overlapping jurisdiction. The chief magistrate of the magistrate court shall be a lawyer.

Personnel

15. Personnel Actions; Grandfathering. The General Assembly should enact legislation to provide for the transfer and retention of judges and other personnel of the eliminated classes of courts, provide for retirement benefits and grandfather existing judges and other personnel during a transition period to the new court structure, and provide that no court official or clerk should suffer a decrease in compensation. Further, it shall provide by law for a sufficient number of judges and support personnel for each circuit to fully staff the expanded superior court, its juvenile and probate divisions and the magistrate courts.

III. Court Administration

16. Supreme Court. The Supreme Court is the head of the judicial branch of government and shall ultimately be responsible for the administration of the judicial branch of government through a judicial council, a majority of the members of which shall be judges of the courts being administered.
17. Judicial Council. The Judicial Council shall have primary responsibility for the administration of the trial courts of Georgia.
18. Administrative Office of the Courts. The Administrative Office of the Courts shall be staffed as prescribed by the Judicial Council, and the duties of this office shall be prescribed by the Judicial Council, but shall include: (1) serving as staff to the Judicial Council and the Supreme Court; (2) serving as the planning and research arm of the judicial branch of government; and (3) providing budget and fiscal services to the judicial branch of government as directed by the Judicial Council and the Supreme Court.
19. Judicial Administrative Districts. The Judicial Administration Act of 1976 established the structure through which future administration of the superior courts of Georgia should progress (OCGA § 15-4-1). State funded district court administrators have been addressing the task of improvement of the process at the district and local levels. The district administrative judge should be granted authority by rule or law and resources necessary to address the impediments to the judicial process at the local level. Under the authority granted to the Supreme Court and under rules adopted for this class of court, court administrative services can best be provided at the district level.
20. Assignment of Judges. (a) All assignments of judges within their respective judicial administrative districts shall be made exclusively by the district administrative judge of the judicial administrative district of the assigned judge's residence. (b) All assignments of judges outside their respective judicial administrative district shall be made exclusively by the district administrative judge of the judicial administrative district of the assigned judge's residence. However, in no event shall a judge be assigned outside of the judicial administrative district of his/her residence without his/her consent.
21. Judicial Circuits. The administration of the superior court at the circuit level should be vested in the chief judge of the circuit. Selection of the chief judge shall be determined uniformly. At the present time, administrative support positions are provided in the circuits where the workload justifies administrative assistance. At some future date, circuit court administrators,

working under the direction of the chief judge, shall be necessary in many of the heavy volume circuits. These positions should be state funded and allocated under a formula or need based on workload.

22. Counties. Individual superior court administrators may be provided at the county level through funds provided by the state. Where created, these positions shall serve as staff to the superior court judges of the circuit, under the supervision of the chief judge of the circuit.

23. Technological Advancement. In the unified judicial system, use should be made of the most modern technology available to support court reporters' transcript production, the appellate process, case management and the administration of the unified judicial system.

IV. Court Procedures

Modernizing and Streamlining Court Procedures

24. Motion for New Trial. Provide by law that in civil and criminal cases the notice of appeal shall be filed within 20 days after entry of the sentence/judgment. A motion for new trial may be filed simultaneously with or before the filing of the notice of appeal. Whether or not the transcript of the evidence has been completed, any such motion for new trial shall be decided not later than 45 days from the date of its filing, and if not so decided, shall be denied by operation of law. If a motion for new trial is granted within the time provided, the appellate process shall cease.

25. Finality of Judgments. To promote finality of judgments in civil cases and to simplify the procedure relating thereto, OCGA §9-11-60 should be amended so as to prohibit use of complaints in equity to set aside judgments, and so as to provide that motions to set aside judgments may be used in all cases where complaints in equity formerly could be utilized.

26. *De Novo* Appeals. Issues in the probate court shall be disposed of without a jury trial. There shall be no *de novo* appeals in such cases. Appeals from the probate courts shall be on the record to the superior court and thereafter, on application to the appellate court. Should a jury trial be demanded when the petition or caveat is filed, the case will be transferred to the superior court for trial by jury.

    Note: After determining the effect of the elimination of *de novo* appeals in the probate courts, the General Assembly may be urged to consider a similar procedure in the magistrate courts.

27. Criminal Discovery. A special *ad hoc* committee recommended changes in criminal discovery procedures. The adopted language of that report is recommended to be enacted into law.

28. Judges' Contempt Powers. Judges shall be authorized to dispose of cases of juror or witness harassment, during and after the conduct of a trial, through their power of contempt citation. Similarly, the failure of a juror to appear, or an unauthorized absence after having been duly summoned, shall be disposed of through the judge's power of contempt citation.

29. Statutes of Limitations. The statutes of limitations in civil cases, and the courts' interpretations thereof, have become exceedingly complex as shown by a 1984 study conducted by Mercer Law School. It is recommended that the General Assembly continue its efforts to simplify and unify the statutes of limitations so as to avoid litigation and appeals involving the application of those statutes.

30. Punitive Damages. The laws regarding the allowance and award of punitive damages have developed piecemeal with divergent grounds and burdens of proof. It is recommended that a study similar to that conducted by Mercer

Law School on the statutes of limitations be conducted and that the General Assembly thereafter undertake to simplify and unify the statutes relating to punitive damages.

Mediation as an Alternative

31. Mediation as an Alternative to Litigation. The General Assembly should enact legislation that would recognize mediation formally and officially as part of the legal system in an effort to enhance the use of mediation by citizens of the state as an alternative to litigation.
32. Mediation at the Appellate Level. Where appropriate, the implementation of appellate pretrial hearing conferences is recommended in civil appeals, using either active or retired judicial officers as hearing officers.

Jury Issues

33. Size. In a trial of any felony in which the death penalty is not sought, the jury shall be composed of 12 members, selected from a panel of 30. Juries of six members, picked from a panel of 12, shall be authorized in all cases tried in the state courts (while they continue to exist) and in misdemeanor cases.
34. Circuitwide Jury Pools. In death penalty and murder trials conducted in counties with a population of less than 25,000, prospective jurors shall be drawn, on a *pro rata* basis, from the jury boxes of all counties in the judicial circuit in which the trial is held. Thereafter, the General Assembly may wish to consider whether in other felony trials conducted in counties with populations less than 25,000, upon motion of either party and with the approval of the judge, prospective jurors may be drawn, on a *pro rata* basis, from the jury boxes of all counties in the judicial circuit in which the trial is to be held.
35. Circuitwide Grand Juries. The General Assembly should consider whether, upon motion of the Attorney General and the district attorney, the chief judge of a circuit shall be allowed to draw a grand jury on a circuitwide basis to investigate or indict.
36. Supplementary Source for Jury List. Upon the approval of the jury commission, counties may use the driver's license list, which shall be required to be made available by the Department of Public Safety, as a supplementary source for compiling the jury list.
37. One-day, One-trial. Where feasible, courts shall adopt the jury utilization procedure popularly known as "One-day, One-trial."
38. Judge Receive Indictment. Eliminate the requirement for the judge to personally receive the indictment of a grand jury. The grand jury shall have the responsibility to file indictments with the clerk of court if the judge does not personally receive the indictment.
39. Judge in the County. Eliminate the requirement for the judge to be in the county when the grand jury is in session.

Court Reporting Services

40. Degree Program. A degree program should be established for vocational-technical schools to increase the number of individuals entering the court reporting profession.
41. Number of Reporters. Authorization to increase the number of court reporters per superior court judge should be enacted by the General Assembly so as to provide a minimum ratio of three reporters to each two superior court judges, where the need is certified by the chief judge.

42. Pilot Project. Advanced technological court reporting applications should be enlarged and supported by state funding. Since the feasibility of such applications has not yet been sufficiently demonstrated on a statewide basis, particularly in rural circuits, it is recommended that a pilot advanced technological court reporting project be implemented in a rural multi-judge circuit or judicial district selected by the Council of Superior Court Judges.

V. Criminal Justice

District Attorney Investigators

43. A minimum of one state funded district attorney's investigator should be provided for each judicial circuit. Minimum qualifications for this position, such as those of a peace officer, should be defined by law.

Indigent Defense/Right to Counsel

44. There should be a statewide, state funded system to provide counsel for indigent persons accused of crimes. Funds for this purpose should be appropriated by the General Assembly to fund the state funded local indigent defense programs as provided in OCGA § 17-12-30 through OCGA § 17-12-44. Attorneys should be required to meet established criteria prior to undertaking representation of any indigent accused.

Victims' Rights

45. The courts of Georgia should, by rule, adopt the recommendations of the National Conference of the Judiciary on the Rights of Victims of Crime, relative to victims' rights, with the specification that these recommendations operate as suggested, permissive policies and procedures for the treatment of victims of crime.

Sentencing Issues

46. Future enactment of mandatory sentencing provisions, either by statute or constitutional law, should be avoided.
47. Sentencing options for judges sentencing violators of the criminal law in Georgia should be greatly expanded to ensure that there are progressive gradations of sanctions available to the judge. Most notably, the availability of diversion centers and minimum security facilities should be increased substantially.
48. Current law and practice relative to documentation and sharing of criminal history records should be amended to provide that, in any case in which a judge chooses to impose a first offender sentence, he or she must first verify the defendant's criminal record via the Georgia Crime Information Center.
49. Current law should be amended to provide that any offender who is sentenced to serve a period of confinement in the custody of the Department of Corrections cannot be afforded first offender status. This amendment to current law should not conflict with the Department of Corrections' operation of any shock incarceration program.

Role of the Superior Courts Sentence Review Panel

50. Current law and practice should be amended to allow the Superior Courts Sentence Review Panel to proceed with the review of sentences within its jurisdiction immediately (within 30 days) following sentencing.

51. Current law and practice should be amended to provide that the Superior Courts Sentence Review Panel has jurisdiction of successive misdemeanor sentences which total or exceed the minimum reviewable length of five years.

VI. Court-Community Relations

52. Law-related Education. A committee composed of representatives from the judicial branch of government and the State Department of Education, the State Bar of Georgia and the Georgia Center for Citizenship and Law-Related Education should examine the feasibility of incorporating law-related education courses into the curriculum of Georgia's elementary and/or secondary schools.
53. Public Information Programs. A public information desk should be established, where feasible, in each courthouse in the state to direct parties, witnesses, jurors and spectators to their proper destinations, to answer questions or to direct those questions to the appropriate department/agency and to furnish calendar and schedule information to the public.
54. Where size of the county and volume of court workload justify a full-time position, a public information officer and information desk, clearly identified, should be strategically located in a public area controlling access to the courthouse. Where volume of business cannot justify a full-time position, a plainly marked information desk for the courthouse should be located within the office of the superior court clerk, staffed by a designee of the clerk, and signs describing the location of this desk should be posted throughout the courthouse. These offices should also organize periodic tours of the courthouse for students and the public. Training for public information officers should be provided by the Institute of Continuing Judicial Education.
55. Information pamphlets for distribution by these public information officers should be prepared and published by the Administrative Office of the Courts with the assistance of the State Bar of Georgia, and might include publications describing the functions and structure of the judicial system, as well as special purpose information pamphlets such as a juror's manual.
56. The Courts and the Media. The chief judge of each court may designate an officer of the court to serve as liaison with the news media. In the absence of a designee, the district court administrator should serve this function. All communications with the news media from the court regarding trial coverage should be through this officer.
57. In cases attracting significant news coverage, the commission encourages the concept of a representative media pool as contained in Rule 22 of Georgia's Superior Court Rules.

VII. Funding and Other Matters

State Funding

58. In the long run, the state should assume full funding of the judicial system. In the interim, state funding of the judicial system should be assumed incrementally and any additional judicial support personnel authorized or created by the General Assembly should be state funded.

Liability Insurance for Judges

59. Liability insurance should be made available by the counties to all state court judges, solicitors, clerks, probate court judges, juvenile court judges (while these courts exist) and magistrate court judges.

Federal Programs

60. The State of Georgia should utilize federal grant funds derived from the federal Justice Assistance Act, the federal Victims of Crime Act, and any future federal criminal justice legislation providing funds to state and local governments, to the maximum extent possible to implement the recommendations of the Governor's Judicial Process Review Commission.

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